No.

Supreme Court of the United States

Sophia J. Gibbons,
Petitioner,
v.
State of Florida, et al.,
Respondents.

On Petition For Extraordinary Writ Of
Mandamus
To the Eleventh Circuit Court
Of Appeal

IN RE SOPHIA J. GIBBONS

Sophia J. Gibbons, pro se
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QUESTIONS PRESENTED FOR REVIEW

1. Whether it was required of Judge Thomas McCoun to recuse himself under 28 U.S.C. 455(a) and 455(b), respectively; regarding said Judge's evident bias of overlooking prima facie evidence, eg. newly discovered 'classified materials', which were purposefully concealed to obstruct justice; barring Petitioner's Fourth, Fifth, and Fourteenth Amendment Constitutional rights?

2. Whether the District Court asserted undue bias in it's May 5, 2004 dismissal with prejudice for lack of jurisdiction of subject matter; infracting Rule 12 (b)(1), which does not warrant dismissal with prejudice?

3. Whether the District Court abused it's discretion by denying the Plaintiff her 0 day extension of time to secure process on James Mannos; when Court Record had previous documentation of Defendant Mannos's intent to elude service?

4. Whether the District Court illegally granted a dismissal

when the first tort feasors did evade jurisdictional prosecution by filing fraudulent, bad faith, false affidavits; constituting perjury?

5. Whether statutes of limitations should have been ruled current by the lower Courts: so as to not bar the Florida Tolling Theory: since evidence does establish the applicability of the Delayed Discovery Doctrine?

6. Whether sovereign immunity is applicable to the GE and PS Defendants; due to their concurrent concealment of evidence, tampering, and intentional barment of Plaintiff's due process of law?

7. Whether the District Court illegally withheld a judgment of legal judgment of Default against the legally defaulting Defendant, U.S. Attorney General's Office of Nashville, Tennessee?

8. Whether the Defendants are allowed to alter Record I; by trying to add an unnamed, unserved party, as a Defendant during the time the case had already gone into appeal proc-

ess, eg. the name of John Ashcroft suddenly appearing with counsel after the U.S. Attorney General's Office of Nashville had already legally defaulted in the lower court?

9. Can the lower courts contradict the usage of R. 1.540(b); by accepting the fraudulent pleadings, which were devised to obstruct justice?

10. Whether the Court needs to question the competency of any magistrate, who shows flagrant disrespect to the Federal stats., which do protect all minors from serious harm, as this case does represent armed kidnappers left free in our society unpunished by law for their heinous crimes in kidnappings case no. 81-10871, Sarasota County, Florida to date to wit, see PKPA , UCCJA , respectively?

11. Can the use of a stamp marked 'classified' bar justice and the Fourth,Fifth and Fourteenth Constitutional rights of Plaintiff, when it is done to cover up for the criminal neglect by governmental employees and political subdivisions?

12. Whether the 11th District Court of Appeal abused it's

discretion by affirming the biased dismissal of the lower court of May 5, 2005?

13. Whether the Middle District Court can contradict the usage and applicability of color of law; barring justice of the Plaintiff?

14. Whether the Middle District Court of Tampa showed undue bias by denying the Appellant's April 28, 2004's Petition for Mandamus Relief?

15.Whether the concurrent abuse of discretion of the lower courts can bar the equal protection of Plaintiff re: warranted release of the vital SAO#; to prosecute and extradite the kidnappers?

16.Whether this Court can review the truthful facts of this continuous tort; so that the entire case merits and genuine issues of great public importance; can be remanded to a judge who appears to be impartial?

SHERIFF WILLIAM BALKWILL (GE), no relief because said Defendant did conspire to conceal evidence, tamper and obstruct justice for Plaintiff while under color of law; he is currently Sheriff of Sarasota Co. CAPTAIN RICHARD BRIGGANCE (GE), no relied for Plaintiff, as Def. Briggance did under color of law tamper with files, conceal evidence and fraudulently obstruct justice, Briggance is Metro P.D. Chief, Nashville, Tn. EARL MORELAND (GE), State Attorney, Manatee and Sarasota County State Attorney barred relief under color of law by open and notoriously conspiring to obstruct justice of Plaintiff, conceal evidence, commit child-endangerment and failed to protect Plaintiff. DON C. EVANS, IND., armed kidnapper, who conspired and gave fraudulent accounts of his hired kidnappings X 4, concealment to bar relief; Evans was contracted by Defendants Hazens; to perpetrate armed abductions and felonious assault on Plaintiff, barring due process in Fifth Amendment. FDLE SARASOTA OFFICE (PS),under color of law

the law agency did conspire to conceal evidence, failed to protect and barred relief by infracting the Plaintiff's civil rights to due process. FLORIDA U.S. ATTORNEY GENERAL'S OFFICE (PS), the Political Subdivision did tamper and conspire to conceal evidence under color of law failed to protect and clearly obstructed justice. SOPHIA J. GIBBONS, pro se, who has concurrently been denied her Fourth, Fifth and Fourteenth Amendment rights due to the massive amount of conspiracies to conceal prima facie evidence, tampering and intentional obstruction of justice by the GE and PS Defendants on-going.

CAPTAIN GOODING (GE), employed by Sarasota Sheriff's Department under color of law, Gooding did conspire with said Defendant, Sarasota Sheriff's Department; to fail to equally protect, intentionally bar justice and relief for Plaintiff by barring due process of Plaintiff. MARGARET HAZEN, IND., perjured herself to conceal evidence of aiding abeting Raymond Hazen I, Don C. Evans, Leslie Telford

and Clifford Klaus to commit armed kidnappings, child endangerme nterference of custodial rights of Plaintiff, frauded to bar justice and due process relief For Plaintiff, Plaintiff rightfully seeks relief of extradition of Ohio kidnappers back down the line to Sarasota, Florida, child endangerment. RAYMOND D. HAZEN I, IND., hired armed gunman, Defendant Don C. Evans to do felonious kidnappings, perjury, fraud to obstruct justice, child endangerment, Plaintiff is thus far barred the civil rights to due process for warranted extradition back to the sovereign state of Florida; due to the conspired criminal neglect and failure to protect by said GE and PS Defs, who bar relief by criminally withholding the vital SAO# needed to prosecute, aiding and abeting armed kidnappers Defs. Hazens, et al. to flee justice. JUDGE ROBERT HENSLEY (GE), aided and abeted armed kidnappings by going against the UCCJA and PKPA, which does bar relief for Plaintiff, as this unscrupulous judge continues to conceal evidence to convict armed

felons, under color of law Defendant Hensley was and currently is intentionally barring justice and the civil rights of due process of Plaintiff and failure to protect. HRS OF MANATEE CO. (PS), the political subdivision did obstruct Justice by concealing evidence, aid and abet in child endangerment by Fraudulent acts of criminal neglect in HRS of Manatee County's intentional obstruction of justice and tampering while under color of law. GOVERNOR JEB BUSH (GE), the Governor Defendant did refuse to grant a "free-standing" investigation by the FBI after the continual obstruction of justice by previous conspiring Florida officials, said Defendant Bush did fail to protect and bar the warranted relief of Plaintiff by concealing prima facie (newly discovered classified docs.); barring due process of Plaintiff while he was under color of law. CLIFFORD KLAUS, IND., guilty of armed kidnappings x 4, fraud, concealment, barring justice , conspired obstruction of relief, felonious assault. JUDGE ROBERT LAVERY (GE), under

color of law did bar relief by fraudulent misrepresentantion, failure to protect while acting, as a prosecutor, concurrent concealment of evidence by Lavery did bar relief by him concurrently and intentionally barring justice for Plaintiff. MANATEE SHERIFF'S DEPARTMENT (PS), the political subdivision did conspire neglect of Plaintiff's cause for relief on a concurrent basis by concealing and tampering of evidence, fraudulent statements, use of unconstitutional policies, failure to protect Plaintiff and conspired obstruction of justice on-going; barring Plaintiff's due process while under color of law. JAMES MANNOS, IND., this attorney did aid and abet armed kidnappers, Defendants Hazens, conceal, and purposefully conspire to obstruct justice. GEOFFREY MONGE (GE), former Sarasota Sheriff did use illegal stamp of "classified" to conceal and tamper with evidence under color of law. Said obstruction of justice was intentional perpetrated to bar the rightful relief, which the Plaintiff does seek to date to wit, which is the

Plaintiff's right to due process under the Fifth Amendment of the U.S. Constitution, Defendant Monge did fail to protect. JUDGE ROBERT MYLETT (GE), under color of law this judge did use misrepresentation and fraud; ignored the UCCJA and PKPA; failed to protect; barring relief by aiding and abeting the armed kidnappers found in #81-10871's newly discovered evidence of classified materials, which are found permanently attached to Record 1; conspired to bar justice by infracting the civil rights to due process of the Plaintiff; said conspired acts of fraud were done without jurisdiction since Florida remains the sovereign state in which extradition is sought for convictions and any further relief by the Plaintiff. OFFICE OF THE GOVERNOR OF OHIO (PS), said political subdivision did harbor the armed felons of kidnappings' case of 81-10871 by failing to protect the kidnapped victims, which include the Plaintiff. Under color of law this Defendant is answerable for its conspired fraud to obstruct justice, as all the GE and PS Defendants cited

herein are state actors, who are clothed in the power of the state. OFFICE OF THE GOVERNOR OF TENNESSEE (PS), this Political Subdivision under color of law did fail to protect by going against TCA 39-13-304; concealed evidence, barred relief by conspiring to obstruct justice; and deleted the purpose of the Parental Kidnapping Prevention Act and UCCJA, passed October 1980; barring the Fourth. Fifth. And Fourteent6h Amendment rights of said Plaintiff. OFFICE OF THE GOVERNOR OF WEST VIRGINIA (PS), under color of did conspire to obstruct justice, fail to protect by using customs and practices, which are unconstitutional; barring relief for Plaintiff. OHIO DEPARTMENT OF HUMAN SERVICES (PS), the concurrent criminal neglect of this Political Subdivision caused interference of Plaintiff's custodial rights by concealment of evidence pertaining to the Sarasota kidnappings; causing further obstruction and relief for Plaintiff Said Ohio Department of Human Services did these unconstitutional acts under color of

law; barred due process of Plaintiff. OKLAHOMA CITY FBI (PS), under color of law the Political Subdivision conspired to obstruct justice, conspired fraud, concealed vital evidence, tampered and aided and abetted the armed kidnappers cited herein. SARASOTA FBI (PS), under color of law said agency did aid and abet the armed kidnappers cited herein by refusing to equally protect, concealment, child endangerment and total relief obstruction by ignoring the UCCJA and PKPA, et al. child endangerment stats. SARASOTA SHERIFF'S DEPARTMENT (PS), said Sheriff's Department concurrently failed to equally protect, tampered with vital testimony, concealed evidence, used an illegal classified stamp to cover up it's aidding and abetting of armed kidnappers, covered up concurrently the unconstitutional acts of Defendant Judge Hensley to date to wit; to totally obstruct justice and under color of law said Sheriff's Department did the non-stop barment of Plaintiff's right to due process guaranteed under the Fifth Amendment of the

U.S. Constitution. SHERIFF CHARLIE WELLS (GE), the governmental employee did conspire to obstruct justice, tamper and conceal evidence regarding the armed kidnapping of Plaintiff, interfered with custodial rights, child-endangerment with relief ba ed by Def. Wells' failure to equally protect to date to wit, aiding and abetting armed kidnappers to flee justice. Def. Wells was and is under color of law. STATE OF FLORIDA (PS), said Political Subdivision did fail to equally protect kidnapped victims including the Plaintiff, under color of law obstruct justice; barring relief for Plaintiff by endabling the armed kidnappers to flee just; barring Plaintiff's rights to due process. THOMAS TANGI, IND. Individual, who did tamper and conceal vital evidence, misrepresentation, fraud, child and elderly endangerment, obstruction of justice and relief for Plaintiff on going. LESLIE TELFORD, IND., individual hired to kidnap, frauded, false testimony to cover up tampering of justice, conspired to bar Plaintiff's rights to due process. U.S. ATTORNEY

GENERAL'S OFFICE OF NASHVILLE, TENN. (PS), under color of law failure to equally protect , defied the Bivens Act, UCCJA, PKPA, collusions to bar justice and relief sought by Plaintiff. fraud, aiding and abetting armed kidnappers to flee justice, said Political Subdivision intentionally barred due process of Plaintiff to date to wit. VICTOR TORRY JOHNSON III (GE), governmental employee did fail to equally protect, purposefully obstruct justice and relief for Plaintiff under color of law and conspired to bar the rights of Plaintiff to due process of law. JOHN ZIMMERMAN (GE), governmental employee, who deemed RICO, as normal practice, refused to equally protect, conspired under color of law to obstruct justice and bar relief for Plaintiff.

JURISDICTION

The Petitioner has filed within 90 days of last Court's Order's entry date of May 18th, 2005; from the Eleventh Circuit Court of Appeals and is timely pursuant 28 U.S.C.1257 and 2101 (c) and Rule 10(1); in compliance with Rule 29(5) (a) and Rule 12.5 of the Rules for the U.S. Supreme Court.

A state court has so far departed from the accepted and usual course of judicial proceedings and the Appellate Court sanctioned such a departure by the lower court, as to call for an exercise of this Court's supervisory power.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6; the Appellant, Sophia J. Gibbons, makes the following disclosures:

1. The Appellant is not a subsidiary or affiliate of a publicly owned corporation.

2. To the best of Appellant's knowledge; there is no publicly owned corporation, a party to this suit, which has a financial interest in the outcome.

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STATEMENT OF CASE

This cause represents the failure of certain GE and PS Appellees to equally protect the armed kidnapped victims of 81-10871, Sarasota Co., Florida; causing subsequent tampering and concealment of case facts (vital evidence) by said GE and PS Appellees under color of law. PS Appellee, Sarasota Co. Sarasota Sheriff's Department not only refused to investigate properly but placed a rubber stamp on it burying prima facie evidence for over two decades; so that the Appellant could not pursue her Fourth, Fifth and Fourteenth Amendment rights, see Macias v. IHDE, Senoma, Ca. Upon discovery of approximately forty nine pages of classified docs. by the Appellant's domestic violence advocate at Sparrc; said Appellant did file in District Court in Tampa; to rightfully pursue the due process that said Appellant has been denied; due to the many collusions of sorts by the GE and PS Appellees devised to obstruct justice forever. Appellant now maintains approximately eighty feet of file,

which documents the concurrent pursuit of the vital SAO#'s warranted release to accompany the kidnappings report unsolved to date to wit. Statues of limitations are current under the Florida Tolling Theory, Delayed Discovery Doctrine and R. 1.540(b). Consequently, the illegal mania of hide or overlook the evidence on the armed kidnappers, et al.; has spread from the GE and PS Appellees to the Courts. This does, therefore, represent many dire questions of great public importance, see Quarels Act. The Courts have abused their discretion long enough now and should know better than to try to baffle a kidnapped victim out of justice, as in Appellant's case of on-going spouse-child abuse syndrome created by the pretend minister, Appellee Raymond D. Hazen, first tort feasor of this continuous tort. The four armed kidnappings, which Appellee Hazens did hire out; were located around the corner from the Carli Brucia case, which does make obvious the fact that the Middle District of Florida certainly does have jurisprudence. Color of law is

color of law and the intentional barment of due process by any Court will not remove the moral and legal obligation of the Appellant to put her and her minor's kidnappers behind bars for four consecutive terms, as every child in the world is effected by the outcome of this case, as a Court cannot encourage terrorism by blindfolding it's eyes to the truth, see Soldal v. Cook County, Ill. The Court can clearly see that a conspiracy does still exist, as this case's justice is currently obstructed by said Appellees. Rec. 1 makes the truth very obvious to any magistrate that knows that kidnappings are not left unsolved by marking them "classified". It would be preposterous for any judge to discriminately rule out evidence and think that there is not a legal recourse for the victims of armed kidnappings, as said Judges are also capable of being held responsible for RICO under color of law, see Bivens Act. The lower courts cannot rule out evidence of perjury, as it is their duties to cite said perjurous charges. The Record does prove that said record is tainted,

untruthful and reads in a different language, and has appearances of names described, as Defendants, who in fact are not Defendants. This is what is known to the Appellant, as Mickey Mouse treatment of her case, as said tainting of the Docket by the Middle District Court, which appears to not understand the purpose of Rule 1.540(b). Petitioner contends that Middle District Court asserted more bias by leaving the Docket stand uncorrected. 11th District Court Orders were was done in moot. Consequently, the Appellant states that John Ashcroft is not a named or served Defendant and cannot just jump into the Court's circusing of facts to pretend that said U.S. Attorney General's Office answered in a timely manner because legal Default did occur by the defaulting PS Defendant, U.S. Attorney General's Office of Nashville, Tennessee. Eleventh District Court of Appeals did assert it's ambiguous opinion by acting, as if it were normal to try to bar justice by agreeing that a case should be dismissed with prejudice for lack of jurisdiction. The Elev-

enth District Court of Appeal has repeated the same discrimination on this case by affirming the lower Court's prejudice. However, it is the Supreme Court's duty to ponder how a Plaintiff can be asked to answer a Court pleading filed in behalf of someone that they are not naming in a suit, as a Defendant. It would be laughable if other children's lives weren't put in danger from the blackballing theories of the Appellees and the lower courts. Subsequently, the Appellant does ask this Court to correct the lower courts by enforcing the validity of the UCCJA and PKPA; since the cowardly Appellees continue to threaten the lives of minors with their warped thinking patterns, see Bivens Act. Petitioner will certainly pursue justice until it is relinquished by the Courts; for the sake of Petitioner, her children and any minor's case that the criminal GE and PS Appellees breathe on. Due process is due process and the Petitioner deserves a fair shot at the apple per the case averments. The Petitioner remains under the opinion that the PS Defendant, State of

Florida is and was too cheap to extradite the armed kidnappers of #81-10871; yet the Court does expect the armed kidnapped Petitioner to pay the armed kidnappers for the filing of their brief's; due to the erroneous, biased decision of the Eleventh District Court of Appeals. This does set a dangerous president and presents many Federal Questions, as the GE and PS Appellees to this action are forcing an Act of Congress; to stop the denial of other's Fourth, Fifth, and Fourteenth Amendment rights, see Petitioner's amended proposal, the Gibbons Rule in Appendix attached herein.

ARGUMENT

l. It was error for Judge Thomas McCoun to not properly recuse himself under 28 U.S.C. 455(a) and 455(b), as he based his decisions on an altered, misleading Docket. Judge McCoun's bias is blatant disrespect to the Plaintiff's right to due process, the applicable Federal stats. involved and his opinions do not adhere to the Full Faith and Credit Act re: Federal Questions presented by this case merits.

2. It is well settled in law that cases dismissed for lack of jurisdiction are not dismissed with prejudice, Rule l2(b)(l)..

3. Record had already been documented that Defendant James Mannos intent was to elude service; so the 30 day extension of time was warranted and should have been granted to Plaintiff.

4. Record evidence proves that fraudulent, bad faith affidavits were filed by Defendants Raymond Hazen I and Margaret Hazen; constituting perjury.

5. Both the Florida Tolling Theory and the Delayed Discov-

ery are applicable to stats. of limitation in this continuous tort at hand; due to the concurrent concealment of evidence by the felonious GE and PS Appellees, who have concurrently obstructed justice in case no 81-10871 representing armed kidnappings of Plaintiff and her children.

6. There is no sovereign immunity for Rico under color of law. The GE and PS Defendant's are liable for the damages to Plaintiff's barment of her Fourth, Fifth, and Fourteenth Amendment rights to date to wit.

7. Record proves the Defendant U.S. Attorney General's Office did legally Default and that any filings in it's behalf are in moot.

8. The appearance of John Ashcroft not only was in moot, but a total sham on this Court, as the lower courts appear to not understand the meaning of in moot after legal default has occurred. If a judge is not capable of recognizing facts of record; he should rescind and get help for his memory loss, as he does waste the valuable time of the Courts in

general. Petitioner reiterates that in reality John Ashcroft is not a party to this action.

9. The usage of Rule 1.540(b) is valid and for pursuing by the Plaintiff or anyone, who seeks justice via due process of law. It cannot be contradicted by the lower courts, who openly and in concert discriminated against the Plaintiff's case's genuine issues.

10. The Supreme Court must uphold the validity of the UC-CJA, passed Oct. 1980 nd PKPA; as it is applicable to the GE and PS Defendant's illegal withholding of the vital SAO#; to hide their criminal neglect on going or the Court will set a heinous precedent for the future safety of our minors. It is too late for the Plaintiff to recover the losses from the interference of child custody the was caused by the GE and PS Defendant's, who did not care if the Plaintiff's armed kidnapped minors were killed by their deranged abductors, but it is not to late for the Supreme Court; to make the cowardly officials answer for their on going obstruction of the

UCCJA and PKPA; to concurrently cover up their unconstitutional behavior and discrimination against victims of domestic violence, see Macias v. Ihde.in Appendix attached herein.

11. The use of the stamp "CLASSIFIED" does set off red flares to this Court and said prima facie evidence cannot be overlooked when it presents numerous Federal Questions pertaining to the safety of minors everywhere. It was confirmed by the Jacksonville FBI, who asserted that the classified stamp should have not been placed on #81-10871's case, Alejo v. City of Alhambra.

12. The Eleventh District Court's decision should be overturned and this case remanded to an unbiased Court for the opinions rendered in Appeals Court do not meet the Full Faith and Credit Act, see PKPA.

13. The Court is supposed to recognize color of law. The lower Court's malice towards the Plaintiff's case is evident throughout the falsified Record entries and the oblivious

handling of prima facie evidence. When the PS Defendant Sarasota FBI told Plaintiff "we can't help you at this time" what they have really said is under color of law; the Plaintiff cannot help them at this time. The Court must ponder what child could be next for them to ignore the UCCJA, PKPA, and applicable child endangerment stats. The law officials on 8l-l087l; should have given the Plaintiff the stats. to rely on; not the other way around, which sets dangerous precedents because a kidnapped child cannot say I want to go home or I am sick and need a doctor...

14. It would behoove the Supreme Court to know that all of the cited Defendants have never denied any of their guilt, as the Plaintiff's evidence found in the newly discovered classified materials does prove said Defendants guilty, as Plaintiff has alleged and said said sadistic crimes of the aforecited Defendants; should be be tried in a a reputable court of law; so that the warranted convictions can be acsert5ained for justice to prevail.

15. Plaintiff's Petition for Mandamus Relief was both timely and filed under the guidelines. It reiterates the need for justice in this case, which has been illegally barred for over twenty four years. Plaintiff will settle for nothing less than for the armed kidnappers to be extradited back to the sovereign state of Florida. The newly discovered materials link said armed kidnappers to the kidnappings scene in their own words. The court titles it a writ for mandamus relief, but the Plaintiff filed a Petition for Mandamus relief, because those special writs were abolished. Therefore, the Court must scrutinize the relief sought in said filing of Plaintiff's Petition; to overturn the accumulated bias of the lower courts, see Jenkins v, Weinshienk.

16. The lower courts did not use any prudence whatsoever in their bigoted decisions not in favor of child endangerment protection; sadly causing Federal Questions of great public importance, see Quarles Act. The Judges in the lower courts are also answerable to color of law; should justice re-

main barred under the Fourth, Fifth and Fourteenth Amendments pertaining to the great loss of civil rights to due process of the Plaintiff.

17. This Court has the authority to overturn the bigoted decisions of the two lower Courts; so that the best interest of justice can be served. By doing so; other minors won't be placed in life threatening positions by the GE and PS Defendants, who value their position more than a life of a small child; raising Federal questions, see color of law.

CONCLUSION

Viewing all evidence in light most favorable to Petitioner, which is standard that is applicable to the review; the District Court did not recuse itself under circumstances, in which a reasonable person might question the impartiality of the District Court Judge. Fundamental to the litigant is the right to a fair and impartial trial. Fundamental to the judiciary is the public's confidence in the impartiality of our judges and the proceedings over which they preside, U.S. v. Jordan, 49 F3rd 152, 156 (5th Cir. 1995). Public confidence will be shattered if this Court does not reverse the judgment and remand this case to a judge who appears to be impartial. Exceptional circumstances of nonstop conspiracy to obstruct justice in Case No. 81-10871 on-going; due to the "political cover-up" of tampering and concealment of evidence by the GE and PS Defendants of this continuous tort at hand, which does bar the Fourth, Fifth and Fourteenth Amendment rights of Petitioner; warranting the United

States Supreme Court's discretionary power, as there can be no adequate relief obtained for the Petitioner in any form or from any other court. The lower courts have purposefully ignored vital evidence (newly discovered classified docs.), which were filed both appropriately and timely by said Petitioner in Tampa's Middle District Court. The same lower courts did choose to ignore many pertinent Federal Questions presented by the conspired acts of governmental employees and political subdivisions, all which are named, as Defendants in this action. The GE and PS Defendants' concealment of prima facie evidence (classified materials); did cause the initial Federal Questions and the lower courts did add Federal Questions for their bigoted barment of said Petitioner's Constitutional rights. The Petitioner has endured the loss of her civil rights for over two decades on-going; coupled with the bigotry and malice shown her by the lower courts. Said Petitioner watched the two lower courts entertain in moot pleadings, the court's illegally switching non-

Defendant's names with those of the properly named and served Defendants in order to illegally withhold a ruling of legal default, which is totally unconstitutional to the barment of justice. The Defendant is still found to be in legal default even if the lower courts decide Santa clause can answer in moot. Therefore the Court must now recognize said tainted Docket, as false and devised by a collective bias of lower courts' magistrates; done with extreme malice towards the Petitioner's cause. Consequently, it is an imperative duty of the U.S. Supreme Court; to discern over any Federal Questions left unanswered by the lower tribunals. The Federal Questions left unanswered in this case are a permanent matter of record and must be answered , as they present questions of great public importance for the general safety of our minors. The lower courts have already demonstrated the ability to just defy pertinent stats. and Rules; proving to the Court that their (courts) intentions are to continue to bar the Constitutional rights of the Petitioner under

the Fourth, Fifth and Fourteenth Amendments to date to wit. Thus, the Petitioner rightfully seeks and should be granted Petitioner's Petition for Extraordinary Writ of Mandamus.

REASONS FOR GRANTING EXTRAORDINARY WRIT

The Petitioner's Extraordinary Writ should be granted for the reasons cited, as follows:

1. The Full Faith and Credit Act applies to PKPA, Section 8. When a domiciled citizen of Florida retains full custody of her domiciled minors; a Florida hearing must be held to re: any change of custody. The Plaintiff never was granted any such hearing. Defendant Donald C. Evans' police 38 did not change legal custody, but Evans did become an armed kidnapper, who took the FBI academy to learn kidnapping techniques

2. If any Court does understand the true meaning of color of law; it will render justice to the Petitioner per the applicable stats.; granting said special writ for the best interest of justice to be served for all.

3. Exceptional circumstances are prevalent in Petitioner's entire case; warranting the U.S. Supreme Court's granting of Petitioner's Petition for Extraordinary Writ of Manda-

mus. It is fundamental that the U.S. Supreme Court excercise its powers to intervene in the lower courts; constant abuse of power. This case does set numerous, dangerous precedents, which present numerous questions of great public importance; now presented to the U.S. Supreme Court for scrutiny, as not only the Petitioner merits the answers to said Federal Questions, but society, in general. The lower courts are sending a life threatening message; that it is acceptable for GE and PS Defendants can fail to protect minors and private citizens, who are concurrent victims of domestic violence. If the lower tribunals were not full of bias; said courts would not have condoned inappropriate filings by altering the language in the court records.A court cannot conspire or help to maintain unconstitutional policies or practices of the governmental offices or their officials. In lay terms, the courts cannot become "a hiding place for corrupt officials", whose in concert collusions totally bar the Constitutional rights of another. This basically means that

color of law is color of law. It is the duty of the Court to recognize color of law, Delayed Discovery Doctrine's validity and the established Rules of Court pertaining to the right of the Petitioner to a fair trial in lieu of the lower courts' false pretense that stats. of limitations disappear, as long as evidence is continually concealed. Petitioner has not been entertained by the lower tribunal's imagination. Jacksonville FBI states that the stamping of the concealed evidence in files was done illegally (see Florida's Tolling Theory).

The granting of Petitioner's Extraordinary Writ will certainly aid the appellate Courts, which need to stop the bigotry of the Petitioner and go after the corrupted GE and PS Defendants, who would choose to defend their pompous positions rather than defend the life of minors, who are placed in eminent dangers. Subsequently, it is evident to both the Petitioner and the Court that extraordinary remedies are warranted at this time. The prior courts failed to uphold the Petitioner's civil rights to due process and Petitioner is still

waiting for justice to prevail for the sake of all others, who will be affected by the outcome of this concurrent legal travesty. The United States Supreme Court has the power to overturn the unwarranted bigotry continuously shown the Petitioner by the lower courts. For this reason, Petitioner prays the Supreme Court of the United States does re-establish the civil rights of the Petitioner, which have been concurrently barred for almost twenty five years by the Court's granting said Petitioner's Petition for Extraordinary Writ of Mandamus.

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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS,

Plaintiff,

v. CASE NO. 8:03-cv-1961-T-23TBM

STATE OF FLORIDA et al.,

Defendants.

_____/

ORDER

Pursuant to 28 U.S.C. § 636 and Local Rule 6.01 (b). the orders of December 17 and 30, 2003, and January 8 and 22, 2004 (Docs. 139, 153, 164, & 177), referred the following defendants' dispositive motions to the United States Magistrate Judge for a report and recommendation: Leslie Telford

(Docs. 7 & 54); Clifford Klaus (Docs. 8 & 55); Donald Evans (Docs. 9 & 56); Sarasota County State Attorney Earl Moreland (Doc. 19); Sergeant Edmonds (Doc. 24); Judge Robert Hensley (Doc. 28); Manatee County Sheriff Charlie Wells (Doc. 45); FDLE Sarasota Office (Doc. 47); the Florida Department of HRS (Doc. 49); the Florida Attorney General's Office (Doc. 50); Florida Governor Jeb Bush (Doc. 51); Sarasota County Sheriff William Balkwill (Doc. 52); former Sarasota County Sheriff Geoffrey Monge (Doc. 52); Major Kevin Gooding (Doc. 52); the Sarasota County Sheriffs Office (Doc. 52); Raymond Hazen (Doc. 57); Margaret Hazen (Doc. 57); the State of Florida (Doc. 66); the Manatee Sheriffs Department (Doc. 67); Judge Robert lavery (Doc. 109); Thomas Tangi (Docs. 111-1 & 111-2); former captain Richard Briggance (Doc. 115); the Governor of Ohio (Doc. 140); the Ohio Department of Job and Family Services' (Doc. 145); Judge Robert Myfett (Doc. 156); the Office of the Govemor of Tennessee (Docs. 173--1 & 173--

2); District Attorney Victor Johnson (Docs. 173-1 & 173-2); and Assistant District Attorney John Zimmerman (Docs. 173-1 & 173-2).

Following the Magistrate Judge's March 8, 2004, report and recommendation (Doc. 186), Gibbons filed objections (Doc. 188). Following a de novo determination of those portions of the report and recommendation to which Gibbons objects, the objections (Doc. 188) are OVERRULED and the Magistrate Judge's report and recommendation (Doc. 186) is ADOPTED. Accordingly, the defendants' motions to dismiss (Docs. 7 to 9.19,24,28,45,47,49 to 52,54 to 57, 66, 67,111-1,115,140, 145,156, & 173-1) are GRANTED and this action is DISMISSED WITH PREJUDICE.2

The Clerk is directed to (1) terminate any pending motion and (2) close the file. ORDERED in Tampa, Florida, on _____May 5_____, 2004.

S/_____

STEVEN D. MERRYDAY

UNITED STATES DISTRICT JUDGE

R. 198

cc: United States Magistrate Judge

Courtroom Deputy

1 On July 1, 2000, the Ohio Department of Human Services merged into the Ohio Department of Job and Family Services. See http://www.jfs.ohio.gov/0000faq_help.stm (last visited May 4, 2004).

2 A December 22, 2003, order (Doc. 143) dismissed James Mannos from this action following Gibbons' failure to effect service of process. Further, although neither the "Office of the Governor of West Virginia,- the "Sarasota FBI Office,- the "Oklahoma City FBI,- nor the "U.S. Attorney General's Office, Nashville, TN- filed a dispositive motion, Gibbons' claims against these defendants are dismissed for the reasons explained in the Magistrate Judge's report and recommendation.

IN THE UNITED STATES COURT OFAPPEALS

FOR THE ELEVENTH CIRCUIT

No. 04-12858-GG

SOPHIA J. GIBBONS ,

Plaintiff-Appellant,

versus

STATE OF FLORIDA, (PS),

GOVERNOR JEB BUSH, (GE),

Talahassee,

OFFICE OF THE GOVERNOR OF WEST VIRGINIA,

(PS),

Charleston, OFFICE OF THE GOVERNOR OF TENNS-

SEE,(PS), Nashville,

OFFICE QF THE GOVERNOR OF OHIO (PS), Columbus

Sheriff William F. Balkwill,

Sarasota County Sheriffs Office,

Captain Kevin Gooding,

Geoffrey Monge, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the

Middle District of Florida

BEFORE: BIRCH, BARKETT and WILSON, Circuit Judges.

BYCOURT

Appellant's "Motion for Reconsideration and Motion for Relief from Judgement" is DENIED.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS,

Plaintiff pro se,

CASE NO.8 :O3-cv-1961-T-23TBM

JUDGE STEVEN D. MERRYDAY

JURY DEMAND

v.

STATE OF FLORIDA, et al,

Defendants.

_____/

PLAINTIFF'S PETITION FOR MANDAMUS RELIEF

TO THE TAMPA MIDDLE DISTRICT COURT FOR THE

STATE OF FLORIDA

The Petitioning Plaintiff, Sophia J. Gibbons; does move the Middle District Court of Florida, Tampa Division, for the issuance of Mandamus relief; to order Defendant, Sarasota Sheriff's Department; to disclose the prima facie evidence found in the newly discovered "class-docs", which are illegally marked, as such; so that said evidence handed over to Defendant Earl Moreland; does warrant the Court to order said release of the vital SA 0# , which is currently illegally denied to obstruct justice in Case No. 81-10871; to prosecute the armed kidnappers and all other Defendants, who have conspired to conceal, tamper and RICO; to bar said Plaintiff's Fifth Amendment rights to due process.

Specifically, the petitioning Plaintiff shows the Court:

I BASIS FOR JURISDICTION

This petition for Mandamus relief is brought under Article V. Sec. 4(b){3) of the Florida Constitution.

It is, also, brought under Local Rules, Rule 3.01(g), and other relevant authorities; due to the armed kidnappings,

which did occur in Middle District Court at Tampa' s Juridictional powers; to resolve.

II THE FACTS UPON, WHICH THE PLAINTTIFF RELIES

1. In response to the Plaintiff's 911 call to the Defendant, Sarasota Sheriff's Department's responding Deputy stated that "money had to go under the table to do this, but don't quote me" and "it is illegal to take anything from your property: let alone your children." unquote.

2. Said Sarasota Sheriff's Department did continuously conceal vital evidence in Case No. 81-10871; in order to protect Defendant Judge Robert Hensley and the armed kidnappers of this particular case at hand. Defendant. Sarasota Sheriff's Department intentionally obstructed justice and the Plaintiff's Fifth Amendment rights to due process by illegally marking the case i~ and the testimony of Defendant, armed gunman and kidnapper, Donald C. Evans, et al (other felons) . Plaintiff could not prove her case without the legal

protection, which was withheld by said Defendant Sarasota Sheriff's Department and the prosecuting office of Earl Moreland, see Estate of Macias v. Ihde, see Fourteenth Amendment, see Miga v. City of Holvoke, 398 Mass. 343 (1986), as the Defendant's Sarasota Sheriff's Department, et al and Defendant Earl Moreland; were under color of law when they infracted the civil rights of the Plaintiff on continuous basis to the present. The criminal and malicious acts done by the Sarasota Sheriff's Department and Defendant Earl Moreland; were the proximate cause of the Plaintiff's concurrent loss of Constitutinal rights and statutory loss. The unconstituional policies and practices of both the Defendants, Sarasota Sheriff's Department and Earl Moreland; are the direct cause for the Plaintiff's seeking injunctive or declaratory relief, see Supreme Court of Virginia v. Consumers Union, 466 U.S. 719, 735(1980). Plaintiff's loss of Constitutional rights were created by the unconstitutional policies. customs and practices of Defendant Sarasota Sher-

iff's Department, et al., and Defendant Earl Moreland, Santiago v. Fenton, 891 F 2nd 373 (lst Cir. 1989). Statutes of limitations are current for this Petition for Mandamus relief, as this action was filed timely vhen the newly discovered docs were uncovered and prove the tampering of said Defendant Sarasota Sheriff''s Department to conceal the culpability of numerous Defendants.

3. Federal Acts, PKPA and UCCJA were and are currently being violated by Defendants, Sarasota Sheriff's Department and Earl Mooreland while under color of law. On or about March 11. 2002; Plaintiff was handed evidence of same, as both Defendant Earl Moreland and Sarasota's Sheriff's Dep't. deliberately and inhumanely deny the validity of the UCCJA and PKPA's applicability to this case. The two Defendants conspired to deny the issuance of the warranted SAO#; acting as if they are above the law; but to the contrary; the pattern of RICO that they have formed; is sufficient cause for the Court; to order the criminally 'withheld

SAO# to be released and justice to begin for the 39 year domestic violence victim-Plaintiff to regain her Fifth Amendment rights to due process of law.

4. The Court must acknowledge the perjured affidavits of first tort feasors, Margaret and Raymond Hazen, as their self-serving lies do not coincide with the testimony of Defendant and armed kidnapper, Don C,. Evans. Evans' class doc testimony has Hazen gathering up the children at scene; contradicting that a man working in conjuction with the Sarasota Sheriff's Dep't. re- turned the children to him. To the contrary, the armed assailant of the Plaintiff, Defendant Don C. Evans did not work for the Sheriff's Department and the Sarasota Sheriff's Department did not come on the Plaintiff's property to kidnap while armed. It was the gun toting Defendant Don C. Evans, et al; with Defendant Raymond D. Hazen I lying in wait, who kidnapped the Plaintiff (physically) and her minors. The contradicting evidence in the criminally designated class docs is sufficint cause for the

Court, therefore; to order the issuance of said criminally withheld SAO#; to prosecute this widely tampered case in a criminal Court of law; Florida being the sovereign state of the armed and felonious kidnappings.

5. This case does represent "questions of great public importance, see Quarles v. Quarles; deem this Court responsible to help stop the mass endangerment of all Florida minors and society in general.

Due to the fact Defendant Judge Robert Hensley did act out of Jurisdiction; he enabled a calculating child killer to kill again. The Court cannot say that the Plaintiff is not injured from the loss of her homicide victim grandchildren. The Court can-not prove that the Defendants under color of law...who intentionally deprived the Plaintiff of her certain civil rights; did not enable the armed kidnappers to perpetrate homicide; because they did. If the Court is compelled to play God; then it should invariably go after the rapists. armed abductors. and child killers found in this particular

case; by ordering the SAO# to be issued; to accompany the Case No. 81-10871. The kidnapped Plaintiff will forever seek the prosecution of her and her minors armed kidnappers.

6. This does entail the warranted extraditions that Tallahassee's U.S. Marshall, Mr. Frazee state should occur and for them to be bound in shackles for the heinious torture of Plaintiff and her entire family. The sentences for all the kidnappers; should be no less that four life sentences back to back. It would behoove the Court to use prudence; when weighing facts concerning the armed kidnappers and in regards to other crimes of felonies that they have done. Kidnappings in this case do warrant special circumstances in sentencing, as they were condoned legal, although "the big gun" makes it a more serious offense. The stalking and lying in wait; are also factors for the Court to 'Neigh sound mindedly.

7. The Court has the duty to restore, as well as the power to

restore the Plaintiff's shattered civil rights to equal protection, and due process. That is the exact relief sought by the Plaintiff; relief from those officials, who criminally bar justice and the numerous Constitutional rights of the Plaintiff. Therefore, the Court knows color of law! By recognition of color of law; the Court should grant said relief in the form of an Order; granting issuance of said concurrently criminally withheld vital SAO#.

In conclusion, the Plaintiff prays for the Court to grant Plaintiff's Petition for Mandamus Relief on the grounds that are stated herein and for the future crime prevention for all Floridians and their minors. There is no Judge sitting on any bench that would not do this petition if his or her Constitutional rights were scattered to the wind for a period of 2 years and counting. Nor would any Judge deem armed kidnappings of any of his or her family members, as frivolous or not take time to study up on the "Stockholm Syndrome" if his or her family members were terrorized into silence.

Consequently, the Plaintiff asks for the Court to grant this Petition for Mandamus relief for any and all domestic violence victims.

The previous Court system failed the victims of #81-10871, but this Court can deliver mercy by truthfully enforcing the validity of the UCCJA and PKPA; by granting an Order for the issuance of the warranted SAO#; in order for the decades overdue agenda, named "JUSTICE". The Court owes society the answers to this Petition for Mandamus Relief, as well as the victims of #81-10871. The Plaintiff prays that the Court be thorough and accurate; by prudently granting said relief sought herein; granting the Plaintiff's Petition for Mandamus Relief without delay in the genuine issues of this truthful cause in the best interest of justice per the averments to date to wit.

Respectfully Submitted

S/_____

P.O. Box 1605

Oneco, FL 34264

941-447-1457

R. 186

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished by Ordinary U.S. mail to all parties of record; on this the 28th day of April, 2004.

S/_____

P.O. Box 1605

Oneco, FL 34264

941-447-1457

PLAINTIFF'S NOTICE OF COMPLIANCE TO LOCAL RULE

RULE 3101(g).

The Plaintiff of this action has notified the parties of record regarding the Plaintiff's need to file this Petition for Mandamus Relief; thus far having no response given the Plaintiff under Local Rule, Rule 3101 (g); on this the 28th day of April, 2004.

S/_____

P.O. Box 1605

Oneco, FL 34264

941-447-1457

CASES INTERPRETING THE RULE

12. Appropriate action or motion

Mandamus was appropriate remedy for attorney who had withdrawn as counsel in a civil proceeding and had attempted to hold his files in the case hostage until clients paid him fee, but who had been ordered to deliver his files to substituted counselor permit substituted counsel to inspect and copy the files, since lien's effectiveness depended on client's inability to gain access to files and allowing attorney to appeal only after final decision in underlying litigation would provide inadequate remedy. Jenkins v. Weinshienk, C.A.10 1982, 670 F.2d 915. Mandamus 4(3); Mandamus 29

Mandamus was appropriate relief for counterclaimant constitutionally entitled to jury determination of any "legal" issues raised in his counterclaim. Myers v. U.S. Dist. Court

for Dist. Of Montana, C.A.9 (Mont.) 1980,620 F.2d 741.

Mandamus 46

The remedy of defendant claiming that order that second sentence for conspiracy should run consecutively with first sentence for income tax evasion is invalid under double jeopardy clause of U.S.C.A.Const. Amend. 5 as increasing his punishment after entering upon service of sentence is by motion to correct sentence in court where sentence was entered and is not by a proceeding against the Attorney General in nature of mandamus. Clark v. Memolo, C.A.D.C. I 949, 174 F.2d 978,85 U.S.App.D.C. 65. Mandamus *3(11)*

Complaint seeking an order to require defendant corporation to issue certificate for shares of its common stock was in the nature of an original action of mandamus, and although court, under this rule could not issue a writ of mandamus, it could give relief appropriate to such a proceeding. Hertz v. Record Pub. Co, of Erie, W.D.Pa.1952, 105 F.Supp. 200.

Mandamus 1

Although writ of Mandamus has been abolished by this rule, District Court could, where appropriate, by order direct National Railroad Adjustment Board to hear a dispute between carrier and its employee. Patterson v. Chicago & Eastern Illinois R. Co., N.D.Ill.1943, 50 F.Supp. 334. Federal Courts 11

13. Similar relief

Notwithstanding the abolition of the writ of mandamus by this rule, similar relief is still available, and the substantive rights of the parties are governed by the principles which have formerly been applied in mandamus cases. Levine v. Farley, App.D.C.1939, 107 F.2d 186170 App.D.C. 381, certiorari denied 60 S.Ct. 377, 308 U.S. 622, 84 L.Ed. 519. See, also, State of Tenn., by Wolfenbarger v. Taylor, C.A. Tenn.1948, 169 F.2d 626; Petrowski v. Nutt, C.C.A.Hawaii 1947, 161 F.2d 938, certiorari denied 68 S.Ct. 659, 333 U.S. 842, 92 L.Ed. 1126, rehearing denied 68 S.Ct. 909, 333 U.S. 882,92 L.Ed. 1157; Kay Ferer, Inc. v. Hulen, C.C.A.

Mo.1947, 160 F.2d 147; U.S. ex reI. Vassel v. Durning, C. C.A.N.Y.1945, 152 F.2d 455; Youngblood v. U.S., C.C.A. Mich.1944, 141 F.2d 912; Hammon v. Hull, 1942, 131 F.2d 23, 76 U.S.App.D.C. 301, certiorari denied 63 S.Ct. 830,318 U.S. 777, 87 L.Ed. 1145;

Rule 81.. Applicability in General.

(a) To What Proceedings Applicable.

(1) These rules do not apply to prize proceedings in admiralty governed by Title 10, U.S.C., §§ 7651-7681. They do apply to proceedings in bankruptcy to the extent provided by the Federal Rules of Bankruptcy Procedure.

(2) These rules are applicable to proceedings for admission to citizenship, habeas corpus, ~d quo warranto, to the extent that the practice in such proceedings is not set forth in statutes of the United States, the Rules Governing Section 2254 Cases, or the Rules Governing Section 2255 Proceedings, and has heretofore confonned to the practice i11 civil actions.

(3) In proceedings under Title 9,U.S.C., relating to arbitration, or under the Act of May 20, 1926, ch. 347, § 9 (44 Stat. 585), U.S.C., Title 45, § 159, relating to boards of arbitration of railway labor disputes, these rules apply only to the extent that matters of procedure are not provided for in those statutes. These rules apply to proceedings to compel the giving of testimony or production of documents in accordance with a subpoena issued by an officer or agency of the United States under any statute of the United States except as otherwise provided by statute or by rules of the district court or by order of the court in the proceedings.

(4) These rules do not alter the method prescribed by the Act of February 18, 1922, ch. 57, § 2 (42 Stat. ?88), V.S.C., Title 7, § 292; or by the Act of June 10, 1930, ch. 436, § 7 (46 Stat. 534), as amended, V.S.C., Title 7, § 499g(c), for instituting proceedings in the United States district courts to review orders of the Secretary of Agriculture; or prescribed by the Act of June 25, 1934, ch. 742, § 2 (48 Stat. 1214), U.

S.C., Title 15, § 522, for instituting proceedings to review orders of the Secretary of the Interior; or prescribed by the Act of February 22, 1935, ch. 18, § 5 (49 Stat. 31), V.S.C., Title 15, § 715d(c), as extended, for instituting proceedings to review orders of petroleum control boards; but the conduct of such proceedings in the district courts shall be made to conform to these rules so far as applicable. (5) These rules do not alter the practice in the United States district courts prescribed in the Act of July 5, 1935, ch. 372, §§ 9 and 10 (49 Stat. 453), as amended, U.S.C., Title 29, §§ 159 and 160, for beginning and conducting proceedings to enforce orders of the National Labor Relations Board; and in respects not covered by those statutes, the practice in the district courts shall conform to these rules so far as applicable.

(6) These rules apply to proceedings for enforcement or review of compensation orders under the Longshoremen's and Harbor Workers' Compensation Act, Act of March 4, 1927,

c. 509, §§ 18,21 (44 Stat. 1434, 1436), as amended, U.S.C., Title 33, §§ 918,921, except to the extent that matters of procedure are provided for in that Act. The provisions for service by publication and for answer in proceedings to cancel certificates of citizenship under the Act of June 27, 1952, c. 477, Title III, c. 2, § 340 (66 Stat. 260), V.S.C., Title 8, § 1451, remain in effect.

[(7) Abrogated, effective Aug. 1, 1951. (Supreme Court Order, Apr. 30, 1951..)]

(b) Scire Facias and Mandamus. The writs of scire facias and mandamus are abolished. Relief heretofore available by mandamus or scire facias may be obtained by appropriate action or by appropriate motion under the practice prescribed in these rules.

RULE 1.540 RELIEF

FROM JUDGMENMENT. DECREES, OR ORDERS

(a) Clerical Mistakes. Clerical mistakes in judgments. decrees. or other parts of the record and recourds therein arising from oversight or omission may be corrected by the Court at any time on its own initiative or on the notion of any party and after such notice if any, as the court orders. During the pendency of an appeal such mistakes may be so corrected before the record on appeal is docketed in the appellate court.

(b) Mistakes Inadvertence; Excusable Neglect; Newly discovered Evidence; Fraud; etc. On motion and upon such terms as are just the court may relieve a party or a Party's', legal representative from final judgment decree, order, or proceedings for the following reasons: (1) mistakes inadvertence surprise, or excusable neglect, (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial or rehearing; (3)

fraud (whether heretofore dominated intrinsic) misrepresentation, or other misconduct of an adverse party; (4) that the judgment or decree is void; or (.5) that the judgment or decree has been satisfied released. or discharged or a prior judgment or decree upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment or decree should have prospective application. The motion shall be filed within a reasonable time, and for reasons (1), (2) and (3) not more than 1 year after the judgment, decree, order or proceeding was entered or taken. A motion under this subdivision does not affect the finality of a judgment or decree or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, decree, order or proceeding or to set aside a judgment or decree for fraud upon the court.

FINDINGS AND PURPOSES

SEC. 7. (a) The Congress finds that-

(1) there is a large and growing number of cases annually involving disputes between persons claiming rights of custody and visitation of children under the law and in the courts, of different States, the District of Columbia, the Commonwealth of Puerto Rico. and the territories and possessions of the United States;

(2) the laws and practices by which the courts of those jurisdictions determine their jurisdiction to decide such disputes and the effect to be given the decisions of such disputes by the courts of other jurisdictions, are often inconsistent and conflicting;

(3) those characteristics of the law and practice in such cases, along with the limits imposed by a Federal system on the authority of each such jurisdiction to conduct investigations and take other actions outside its own boundaries, contribute to a tendency of parties involved in such disputes to

frequently resort to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, excessive relitigation of cases. obtaining of conflicting orders by the courts of various jurisdictions, and interstate travel and communication that is so expensive and time consuming as to disrupt their occupations and commercial activities; and

(4) among the results of those conditions and activities are the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other jurisdictions. the deprivation of rights of liberty and property without due process of law, burdens on commerce among such jurisdictions and with foreign nations, and harm to the welfare of children and their parents and other custodians.

(b) For those reasons it is necessary to establish a national system National system for locating parents and children who travel from one such jurisdiction to another and are concealed in connection with such disputes, and to establish

national standards under which the courts of such jurisdictions will determine their jurisdiction to decide such disputes and the effect to be given by each such jurisdiction to such decisions by the courts of other such jurisdictions.

(c) The general purposes of sections 6 to 10 of this Act are to---

(1) promote cooperation between State courts to the end that a determination of custody and visitation is rendered in the State which can best decide the case in the interest of the child;

(2) promote and expand the exchange of information and other forms of mutual assistance between States which are concerned with the same child;

(3) facilitate the enforcement of custody and visitation decrees of sister States;

(4) discourage continuing interstate controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(5) avoid jurisdictional competition and conflict between State courts in matters of child custody and visitation which have in the past resulted in the shifting of children from State to State with harmful effects on their well-being; and

(6) deter interstate abductions and other unilateral removals of --- children undertaken to obtain custody and visitation awards.

FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS

SEC. 8. (a) Chapter 115 of title 28, United States Code. is amended by adding immediately after section 1738 the following new section:

"§1738A. Full faith and credit given to child custody determinations

"(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsection (f) of this section, any child custody determination made consistently with the provisions of this

section by a court of another State.

"(b) As used in this section, the term- Defi.P1itions.

"(1) 'child' means a person under the age of eighteen;

"(2) 'contestant" -means a person, including a parent who claims a right to custody or visitation of a child; "

(3) 'custody determination" means a judgment. decree. or other order of a court providing for the custody or visitation of regulations of the Secretary) a fee sufficient to cover the costs to the State and to the Secretary incurred by reason of such requests, to transmit to the Secretary from time to time (in accordance with such regulations) so much of the fees collected as are attributable to such costs to the Secretary so incurred, and during the period that such agreement is in effect, otherwise to comply with such agreement and regulations of the Secretary with respect thereto.".

(b) Part D of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"USE OF FEDERAL PARENT LOCATOR SERVICE IN

CONECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

"SEC. 463. (a) The Secretary shall enter into an agreement with any State which is able and willing to do so under which the services of the Parent Locator Service established under section 453 shall be made available to such State for the purpose of determining the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of-

"(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

"(2) making or enforcing a child custody determination. "(b) An agreement entered into under this section shall provide that the State agency described in section 454 will, under procedures prescribed by the Secretary in regulations, receive and transmit to the Secretary requests from authorized persons for information as to (or useful in determining) the

whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of-

"(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

"(2) making or enforcing a child custody determination. "(c) Information authorized to be provided by the Secretary under this section shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 453t and a request for information by the Secretary under this section shall be considered to be a request for information under section 453 which is authorized to be provided under such section. Only information as to the most recent address and place of employment of any absent parent or child shall be provided under this section.

"(d) For purposes of this section- "(1) the term 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and

includes permanent and temporary orders, and initial orders and modification;

"(2) the term 'authorized person' means- "(A) any agent or attorney of any State having an agreement under this section, who has the duty or authority under the law of such State to enforce a child custody determination;

"(B) any court having jurisdiction to make or enforce such a child custody determination, or any agent of such court.

SUPREME COURT OF THE UNITED STATES

Syllabus

SOLDAL et ox. v. COOK COUNTY, ILLINOIS, et ale

CERTIORARI TO THE UNrrED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 91-6516. Argued October 5, 1992 - Decided December 8, 1992

While eviction proceedings were pending, Terrace Properties and Margaret Hale forcibly evicted petitioners, the Soldal family ~ and their mobile home from a Terrace Properties' mobile home park. At Bale"s request, Cook County, Illinois, Sheriffs Department deputies were present at ~he eviction. Although they knew. that there was no eviction order and that Terrace Properties' actions were illegal, the deputies refused tote Mr. Soldal's complaint for criminal trespass or otherwise interfere with the eviction. Subsequently, the state judge assigned to the pending eviction proceedings ruled that the eviction had been unauthorized,

and the trailer, badly damaged during the eviction was returned to the lot. Petitioners brought an action in the Federal District Court under 42 U .S.C. § 1983 claiming that Terrace Properties and Hale had conspired with the deputy sheriffs to unreasonably seize and remove their home in violation of their Fourth and fourteenth Amendment rights. The court granted defendants" motion for summary judgment and the Court of Appeals affirmed. Acknowledging that what had occurred was a "seizure'" in the literal sense of the word the court reasoned that it was not a seizure as contemplated by the Fourth .Amendment because, inter alia, it did not invade petitioners' privacy.

Held: The seizure and removal of the trailer home implicated petitioners' Fourth Amendment rghts Pp. 4-16

(a). A "seizure" of property occurs when "there is som meaningful interference with an individual's possessory interests in that property." United States v. Jacobson, 466 U.S. 102. 113. The language of the Fourth Amendment--which

protects people from unreasonable searches and seizures of "their persons, houses, papers, and effects"-cuts against the novel holding below, and this Court's cases unmistakably hold that the Amendment protects property even where privacy or liberty is not implicated. See, *e. g., ibid,' Katz* v. *United States,* 389 U .~. 347. 350. This Court's "plain view" decisions also make untenable the lower court's construction of the Amendment. If the Amendment's boundaries were defined exclusively by rights of privacy, "plain view" seizures, rather than being scrupulously subjected to fourth Amendment inquiry, *Arizona* v. *Hicks,* 4~0 U.S. 3fl. 326-327, would not implicate that constitutional provision at all. Contrary to the Court of Appeals' position, the Amendment protects seizures even though no search within its meaning has taken place. See, *e. g., Jacobson, supra,* at 120-125. Also contrary to that court's view, *Graham* v. *Connor,* 490 U.S. 386 does not require a court, when it finds that a wrong implicates more than one constitutional command, to look at

the dominant character of the challenged conduct to determine under which constitutional standard it should be evaluated. Rather~ each constitutional provision is examined in turn. See, *e.g.*, *Hudson v. Palmer*, 4(28 U. S.

ill. Pp. 4-15.

(b) The instant decision should not foment a wave of new litigation in the federal courts. Activities such as repossessions or attachments, if they involve entering a home, intruding on individuals' privacy, or interfering with their liberty, would implicate the Fourth Amendment even on the Court of Appeals' own terms. And numerous seizures of this type will survive constitutional scrutiny on "reasonableness" grounds. Moreover, it is unlikely that the police will often choose to further an enterprise knowing that it is contrary to the law or proceed to seize property in the absence of objectively reasonable grounds for doing so. pp. 15-16.

942 F. 2d 1073, reversed and remanded.

White, J., delivered the opinion for a unanimous Court.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ESTATE OF MARI A TERESA MACIAS, by and through its successors in interest; CLAUDIA MACIAS; JUAN MACIAS; AVELINO MACIAS JR., minors, By and through their Guardian, Sara Hernandez, individually,

v.

MARK IHDE, Sheriff; PAUL DAY, Sergeant; CRAIG WISEMAN, SERGEANT; DIFFENBAUGH, Deputy Sheriff

Defendants

and

MARK LOPEZ, Deputy Sheriff;

COUNTY OF SONOMA,

Defendants-Appellees

Appeal from the United States District Court

for the Northern District of California

D. Lowell Jensen, District Judge, Presiding

Argued and Sumitted

April 26, 2000-San Francisco, California

Filed July 20, 2000

Before: Betty B. Fletcher, Arthur L. Alarcon, and

Michael Daly Hawkins, Circuit Judges.

8625

Opinioned by Judge Alarcon

We agree with the Appellants the district court erred as a matter of law in concluding that the alleged constitutional deprivation was the murder of Mrs. Macias. It is well established that "there is no constitutional right to be protected by the state against being murdered by criminals or madmen." Bowers v. DeVito, 686 F.2d 616., 618 (7th Cir. 1982). There is a constitutional right, however, to have police services administered in a nondiscriminatory manner – a right that is violated when a state actor denies such protection to disfavored persons. See Navarro v. Block, 72 F3d 712.

715-17 (9th. Cir. 1996) (recognizing a cause of action under § 1983 based upon the~ discriminatory denial of police services); Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 700-01 (9th Cir. 1990) (same); see also Penrod v. Zavaras, 94 F.3d 1399, 1406 (10th Cir. 1996) (stating that "[a]n equal

protection violation occurs when the government treats someone differently [from} another who is similary situated") (citing Cleburne v. Cleburne Living Ctr., Inc., 473 U. S. 432, 439

COUNSEL

Richard Seltzer, Seltzer & Cody, Oakland, California; Milo M. Benningfield, San Francisco California, for the plaintiffs-appellants.

Michael D. Senneff, Senneff Kelly, A Professional Corporation, Santa Rosa, California, for the defendants-appellees.

OPINION

ALARCON, Circuit Judge:

Claudia Macias, Juan Macias. Avelino Macias, Jr., Sara Hernandez and the estate of Maria Teresa Macias, (collectively, the "Appellants") appeal from the dismissal of this civil-rights action following the entry of an order granting summary judgment in favor of the County of Sonoma ("Sonoma County") and Deputy Mark Lopez of the Sonoma County Sheriff's Department (collectively, the Appellees"). The Appellants filed this action in the district court pursuant to 42 U.S.C. § 1983, alleging that the Appellees denied

Maria Teresa Macias's right to equal protection by providing her with inferior police protection on account of her status as a woman, a Latina, and a victim of domestic violence. In granting a summary judgment, the district court assumed, for the purpose of considering the question whether the Appellees' conduct caused Mrs. Macias's death, that the Appellants had demonstrated in their opposition to the Appellees' motion that they as state actors, had deprived Mrs. Macias of her constitutional rights. The Appellants have timely appealed. We have jurisdiction over the district court's final judgment pursuant to28 U.S.C. § 1291.

1 Section 1983 provides, in pertinent part:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. . . .

42 U.S.C. § 1983.

times of domestic violence, and Latinos. The district court dismissed the complaint on the grounds that the plaintiffs could not state a due process claim based on the criminal acts of a private citizen, and that the plaintiffs had failed to comply with the heightened pleadings requirements with respect to their equal protection claims. The district court granted the plaintiffs leave to amend their equal protection claims in order to establish a nonconclusory basis for the al-

legations that the individual defendants intended to discriminate against women, victims of domestic, and Latinos.

Police department may be liable for failure to investigate child abuse

The Second District Court of Appeal in Los Angeles has ruled that the police have a duty to investigate and report suspected child abuse. A child injured through a breach of that duty may sue for damages.

Three-year old A!ec Alejo lived with his mother and her boyfriend in Alhambra, California. Alec's father, Hector Alejo, reported hi~ suspicions that the boyfriend was abusing Alec to the Alhambra Police Department,. which did nothing. Six weeks later, the boyfriend beat Alec, and left him permanently disabled. The trial court sustained Alhambra's demurrer to Alec's negligence claim without leave to amend. The Court of Appeal reversed.

California Penal Code section 11166 provides that certain public employees, including police officers, must report reasonably suspected child abuse. That obligation includes an implied duty to investigate. A violation of the statute may

give rise to liability for negligence per se.

At the demurrer stage, the boyfriend's conduct could not be deemed a superseding cause that broke the chain of causation. Whether or not that conduct was reasonably foreseeable was an issue of fact.

The court rejected Alhambra's statutory immunity defenses. Discretionary immunity under Government Code section 820.2 was not available, because section 11166 imposes a mandatory duty. Immunity for failure to enforce an enactment under Government Code sections 818.2 and 821 did not apply~ because those provisions do not apply to enactments that impose mandatory duties.

Alejo v. *City of Alhambra,* 1999 WL 974541 (Cal. Ct. App. Oct. 27, 1999).

INVESTIGATIVE REPORT

Sarasota County Sheriff's Department

IVESTIGATION AT: SARASOTA, CO.

DATE THIS REPORT: 4-3-81

PERIOD COVERED BY INVESTIGATION

3-27-81 TO DATE

TITLE:

JOANNE GODFREY

6235 BENEVA RD.

SARASOTA, FL

CLASSIFICATION:

KIDNAPPING 6

FILE: 81-10871

SYSNOPSYS:

3-27-81

This writer was assigned to investigate a reported kidnapping that just occurred.

Writer was informed by Sgt. Kuebler and Lt. Blakley that 3 children were taken from their mother by 2 w/m's one subject was believed to be a Donald Evans.

Writer was further advises that attorney Cliff Klaus was enroute to SO with custody papers in this case.

From investigation it was determined that the complainant's ex-husband and Raymond Hazen had obtained a judgment from the Court of Common Pleas Family Court Division of the County of Stark, OH, giving him custody of the children. Hazen came to Sarasota and obtained atty. L. Telford to represent him and also the Don Evans Investigative Co.

Tilford filed the custody papers with the clerk's office.

Don Evans then went with Mr. Hazen to the residence of Mr. Hazen's ex-wife and Mr. Evans served the papers on her while Mr. Hazen gathered the children and placed them in his automobile.

Writer contacted Mrs. Hazen Godfrey and requested she come down to the SO and make a statement, which she did. See attached statement.

Writer also contacted a W/M juvenile Kelly Himes age 8 a witness in this case along with his father Brian of 4100 Beneva Rd. Himes could not add anything else to this investigation but described Mr. Evans very well. Mr. Himes concerned as if Mr. Evans hat attempted to take his son to the auto along with the Hazen's. This did not occur although the Hazen youths had been playing with the Himes boy.

Writer also contacted Donald Evans and requested he come to the SO to make a statement, which he did. (See attached statement)

Mr. Evans also turned over to Writer a blue girls bicycle that belonged to one of the Hazen children. This was returned to Mrs. Godfrey.

Writer thru investigation confirmed / no cause for complainant to cite charges. Writer recommends this case be excep-

tionally cleared and classified as a civil problem.

COPIES TO: REPORT MADE BY:

EX. CLEAR 6 DET. J. CARROLL #121 (RET)

FILE NO: DEPUTY SHERIFF

REPORT APPROVED BY

S/_____

SHERIFF OF SARASOTA COUNTY

SARASOTA, FLORIDA

* APPENDEX L-found in R. 1

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS, CASE NO. 8:0J-cv-1961-T-TRI

Plainrniff pro se, Judge Steven Merryday

Jury Demand

v.

STATE OF FLORIDA, et al.,

Defendants

_____/

NOTICE TO COURT OF TWO ERRORS IN THE

DOCKET PRINT OUT OF APRIL 12, 2004,

IN TRIPLICATE COPIES

Comes now the Plaintiff. who notifies the Court that there are two notabie errors in the Docket. as follows:

Error #1. Plaintiff previously cited to the Count that -the Docket contains an improper mailing address for Defendants Raymond and Margaret Hazen - - - listing the mailing address, as Louisville, Kentucky, but should read Louisville, Ohio. This is left uncorrected and in error.

Error #2. Docket Entry #191 is incorrect. There is no said entery/answer filed (ever) for the Defendant. U.S. Attorney General's Office of Nashville, Tennessee~ The wording has been altered to read differently, as for the Pleadings for the incorrectly named Defendant, which was erroneously cited, as U.S. Attorney's Office. There is no such Defendant, as U. S. Attorney's Office of Nashville, Tennessee. The properly served Defendant, U.S. Attorney 's Office of Nashville, Tennessee, has never responded leaving them in Default, for which the Plaintiff in this action is entitled to a Default Judgment against the Defendant, U.S. Attorney General's Office of Nashville, Tennessee.

Consequently, the Court should correct the Docket, pertain-

ing to both Errors #1 and #2, respectively.

Plaintiff further adds that Plaintiff asks the Court to cease any/all delays of justice or bias towards the pro se Plaintiff of this action, Case No~ 8:03-cv-1961-T-23JTBM.

(See enclosed Docket Sheet)

04/07/04	190		RESPONSE by U.S. Atty. General to [189-1] motion for default judgment against U.S. Atty. General (ljg)
04/07/04	191		SECOND AMENDED ANSWER to complaint by U.S. Atty. General, Sarasota FBI Office, Oklahoma City FBI ; amends [138-1] answer (ljg)
[END OF DOCKET: 8:03cv1961]			

Docket is in error, no such answer filed for this served De-

fendant, misleading and needs corrected by the Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been properly furnished by Ordinary U.S. Mail to all parties of record; this the 13th day of April, 2004.

S/_____

Plaintif

P.O. Box 1605

Oneco, FL 34264

941-447-1457

AFFIDAVIT OF SERVICE

State of County of Middle District Court

Case Number: 6:03-CV-1 004-0RL -31-

Plaintiff:

Sophia J. Gibbons, pro se vs.

vs.

Defendant:

State of Florida, et at.

For: Sophia J. Gipbons

Received by HERE COMES JUDGE to be served on OFFICE OF THE GOVERNOR OF TENNESSEE, State Capital, Nashville, TN 37243-0001. I Roger Clemons, being duly sworn, depose and say that on the 18day of November, 2003 at 1:45 p.m., executed service by delivering a true copy of the Summons and Complaint with Exhibits and Notice of Pendency of Other Actions in accordance with state statutes in the manner marked below:

( )PUBLIC AGENCY/GOVERNMENT AGENCY: By servi Erika Lewis as Administrative Assistant of the within-named agency pursuant to F. . 48.111.

( ) CORPORATE SERVICE: By serving _____ as_____ pursuant to F .S. 48.081 and 48.091.

( ) OTHER SERVICE: By serving _____ as a professional courtesy, who stated they are authorized to accept.

( ) NON SERVICE: For the reason detailed in the Comments below.

COMMENTS:

_____

_____

_____

_____

I certify that I have no interest in the above action, am of le-

gal age and have proper authority in the jurisdiction in which service was made. Pursuant to Florida Statute 92.525, and under penalty of purjury. I declare that the facts set forth in the foregoing Affidavit of Service are true and correct.

S/_____

PROCESS SERVER # 0952 TN P.I. LIC.#

Appointed in accordance

with State Statutes

HERE COMES THE JUDGE

2831 Ringling Blvd. Suite 121-F

Sarasota, FL 34237 (941) 954-0169

Our Job Serial Number: 2003010906

United States District court

Middle Court DISTRICT OF Orlando

Sophia J. Gibbons,

Plaintiff pro se,

SUMMONS IN A CIVIL CASE

CASE NUMBER: 6-03-cv-1004-ORL-31-KRS

v.

State of Florida et al.,

Defendants,

TO: (Name and address of defendant)

Attorney James Mannos

110 Central Plaza S.

Canton, OH 44702

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S pro se (name and address)

Sophia J. Gibbons

P.O. Box 1605

Oneco, FL

34264

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period time after service.

Sheryl L. Loesch — August 4, 2003

CLERK — DATE

S/_____

AFFIDAVIT OF RAYMOND D. HAZEN

Now comes Raymond D. Hazen, who being duly sworn and deposed according to law, states as follows:

1. My name is Raymond D. Hazen.

2. I have resided in the State of Ohio during my entire life. I have never resided in the State of Florida

3. I do not now nor have I ever owned any interest in any real estate in the State of Florida.

4. I do not transact any business or have any business interests in the State of Florida.

5. Many years ago, I was married to Joanne Elaine Hazen who has since changed her name to Sophia Gibbons. We were married in the State of Michigan, but we never resided in that State.

6. In approximately 1978, Joanne initiated legal proceedings to dissolve the marriage. Those proceedings were con-

ducted in the State of Ohio because both Joanne and I. lived in Ohio at the time we were married.

7. Neither Joanne nor I lived in Florida prior to our divorce.

8. Following those legal proceedings, Joanne relocated to Florida and I remained in Ohio. She then changed her name on at least six separate occasions and is now known as Sophia Gibbons.

9. In March 1981, an individual, working in

conjunction with the Sheriff's department in Sarasota, Florida made arrangements to recover our children then, in my custody but residing with Ms. Gibbons. My sole involvement in that matter was being in Florida to travel home with my children once they were recovered.

Further, affiant sayeth naught.

S/_____

Raymond Hazen

STATE OF OHIO

ss:

STARK COUNTY

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named Raymond D. Hazen, who acknowledged that he did sign the foregoing instrument, that the same is of his free act and deed, and that the statements contained therein are true, and that he has personal knowledge of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canton, Ohio, this 22 day of April , 2003.

S/_____

Notary Public

LINDA A. BOYD

Notary Public. Slate. of Ohio

My Commission Expires 3/20/2005

AFFIDAVIT OF MARGARET HAZEN

Now comes Margaret Hazen, who being duly sworn and deposed according to law, states as follows:

1. My name is Margaret Hazen.

2. With the exception of living in Texas from approximately 1962 to 1963, I have resided in State of Ohio during my entire life. I have never resided in the State of Florida.

3. I do not maintain any business interests or conduct any other business in the State of Florida.

4. I do not now nor have I ever owned any interest in any real estate in the State of Florida.

5. I am currently married to Raymond D. Hazen

6. Prior to my marriage with Mr. Hazen, I was aware that he was previously married to Joanne Elaine Hazen, who now calls herself Sophia Gibbons. However, I have had no communications with her in the' State of Florida.

Further, affiant sayeth naught

S/_____

Margaret Hazen

Denny & Marge Hazen, Ministries

"You can make the difference-And Jesus makes the

difference in You"

Dear Sophia:

When we picked the kids up from :McDonalds as we left for home at the end of our recent vacation, one of them handed us a Ten Dollar Bill, and said that you wanted us to have it. Since we didn't stay for breakfast. The reason that we didn't stay, 'wasn't because we didn' t 'want to be social. but rather because we wanted you to have a few minutes with the kids.

We appreciate the fact that you gave us the money, but we really didn't want you to do that. We put the money into our Ministry fund, because we use that to help and reach out to people, so we thought that would be putting the money to

good use.

To those people who support our Ministry, we send tapes of the services we conduct. We thought that under the circumstances you might enjoy listening to one. If you don't want to, you might just give it to a friend, but at any rate, we wanted you to have it.

Thank you again for the gift, but it really wasn't necessary, we just wanted you to know that we appreciated it.

In His Service

S/_____

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS

PLAINTIFF pro se, CASE NO.8:03-cv-1961-T-23TBM

Judge Steven D. Merryday

v.

STATE OF FLORIDA, et al.;

Defendants.

_____/

PLAINTIFF'S MOTIOIN FOR RECUSAL OF JUDGE THOMAS B. McCOUN III; UNDER 28 U.S.C. 455{a) and 455{b), respectively; filed in compliance with Local Rule 3.01(g)

Due to the gross abuse of discretion of Judge Thomas B. McCoun; Plaintiff does file this Motion for the recusal of said Judge McCoun. Judge McCoun's open bias of a pro se

domestic violence victim; will not be tolerated by the Plaintiff.

The Court cannot just overlook or deny the validity of the overwhelming amount of prima facie evidence; to further injure the Plaintiff's Fifth Amendment rights to seek justice by due process. The "class- docs" provide ample proof that the armed kidnappings did occur with the simultaneous and continuous barrage of tampering and concealment by the Defendants. To illegally bar the Plaintiff her right to an evidentiary hearing; would be the same as tile Defendants' barring of the Plaintiff's civil rights. Nor can the Court ignore the prima facie evidence of both kidnappers' (first tort feasors). perjured statements Submitted in affidavits and in the so-called classified docs~ ~contradict one another).

Consequently, Judge McCoun's malice is proven to be against the pro se Plaintiff in said Judge McCoun's bigoted attempt to dismiss with predjudice; since Judge McCoun cannot pretend that the Plaintiff does not have any merits to

her case of being concurrently revictimized by various states' officials. The Plaintiff will not be entertained by such bigotry; asking that this Judge ponder why he is a Judge; when he feels he can tip the scale of justice to the felons side of insanity.

Subsequently, Plaintiff demands that Judge McCoun recuse himself for the great bias and prejudice that he openly displays. This motion for Recusal of Judge Thomas McCoun III; is warranted under both 28 U.S.C. 455(a) and 455(b).

Further Plaintiff sayeth not.

Respectfully Submitted,

S/_____ _____ _____

Sophia J Gibbons

P.O. Box 1605

Oneco, FL 34264

(941) 447-1457

cc: SPARCC

Joseph Paddinaggio

CERTIFICATE OF SERVICE

Plaintiff hereby states that she has mailed by U.S. Mail; a true copy of the foregoing to all the par ties of record this the 15fh day of March 2004.

S/_____

Notice of' compliance to Local Rule 3.01(g)

Plaintiff hereby informs -the Court that she has notified the parties of record prior to filing this Motion for recusal of Judge Thomas B. McCoun III; not having any' parties respond under Rule 3.01(g).

Dated March 15th, 2004.

S/_____

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS

PLAINTIFF pro se, CASE NO.8:03-cv-1961-T-23TBM

Judge Steven D. Merryday

v.

STATE OF FLORIDA, et al.;

Defendants.

_____/

PLAINTIFF'S SECOND MOTIOIN FOR RECUSAL

OF JUDGE THOMAS B. McCOUN III;

UNDER 28 U.S.C. 455(a) and 455(b),

respectively; filed in compliance with Local Rule 3.01(g)

On March 17, 2004; the Plaintiff of this action did file Plaintiff's Motion for Recusal of Judge Thomas B. McCoun III; under 28 U.S.C. 4 a and 4 b respectively; filed in com-

pliance with Local Rule 3 .01(g).

Although. Page 22 of the Civil Docket for the afore- cited Case No. 8:03-cv-1961-T-23TBM; does contain a brief note conveying that "Motion no longer referred"; it does not constitute the proper Recusal Notice by said Judge Thomas B. McCoun III, as requested by the Plaintiff for said Judge McCoun's open bias, bigoted remarks regarding "Class-docs. evidence", as wanting to "overlook the multitude of prima facie evidence" in order to be predjudiced towards the pro se Plaintiff.

Plaintiff, therefore, does re-interate her demand for the immediate recusal of said Judge Thomas B. McCoun, III; persuant 28 U.C.A. 455 (a) and 455 (b), respectively, as Plaintiff will not be intimidated out of justice for her cause, restitution for damages to Plaintiff's loss of her Fourth, Fifth, and Fourteenth Amendment civil rights, and Plaintiff's due process of law regarding the prosecution of Defendant felons, who currently- obstruct justice and the armed kidnap-

pers of Case No. 81-10871.

Subsequently. the abuse of discretion is obvious, for which the Plaintiff is entitled to have said bias removed from this case at hand and for said Judge Thomas B. McCoun III; to step down and properly recuse himself without further delay.

Further Plaintiff sayeth not.

Dated this the 28 day of April 2004.

S/_____

Sophia J. Gibbons

P.O. Box 1605

Oneco, FL 34264

(941) 477-1475

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by Ordinary U.S. mail; to all parties of record; on this the 28 day of April, 2004.

Sophia J. Gibbons

P.O. Box 1605

Oneco, FL 34264

(941) 477-1475

PLANTIFF'S NOTICE OF COMPLIANCE TO RULE 3.01

(g)

The Plaintiff of this action has notified the parties of record "regarding Plaintiff's intentions to file said recusal of Judge Thomas B. McCoun III; thus far having no response or objection gigen to said Plaintiff under Local Rule, Rule 3.01 (g); on this the 28th day of April, 2004.

S/_____

Sophia J. Gibbons

P.O. Box 1605

Oneco, FL 34264

(941) 477-1475

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS,

Plaintiff,

v. CASE NO. 8:03-cv-1961-T-23TBM

STATE OF FLORIDA et al.,

Defendants.

_____/

ORDER

Tennessee District Attorney Victor S. Johnson, III, and Assistant District Attorney John Zimmerman move for a 45-day extension of the time for responding to the complaint (Doc. 126). The motion for an extension of time (Doc. 126) is GRANTED IN PART to the extent that Messrs. Johnson and Zimmerman will respond to the complaint on or before January 16, 2004. Accordingly, Ms. Gibbons' second mo-

tions for default judgment against Messrs. Johnson (Doc. 129) and Zimmerman (Doc. 131) are DENIED.

Because the United States Attorney General's Office answered the complaint on December 17., 2003 (Docs. 135 & 138), and because of the restraint imposed by Rule 55(e), Federal Rules of Civil Procedure ("[n]ojudgment by default shall be entered against the United States or an officer or agency thereof unless the claimant establishes a claim or right to relief by evidence satisfactory to the Court»). Ms. Gibbons's second motion for default judgment against the United States Attorney General's Office (Doc. 130) is DENIED.

Ms. Gibbons moves also to strike both the "Governor of Ohio's" motion for leave to file a motion to dismiss and motion to dismiss and Holly J. Hunt's motion to appear *pro hac vice (Doc.* 133). In addition, Gibbons filed a second motion for default judgment against the Office of the Governor of Ohio (Doc. 132). Ms. Gibbons contends that she sued the

office of the Governor of Ohio, so a response from the Governor of Ohio is improper. However. the distinction in the defendant's name in its motion to dismiss fails to alter the identity of the party served and appearing in the action and the arguments asserted in the motion to dismiss apply also to the Office of the Governor of Ohio. Accordingly I Ms. Gibbons' motions to strike (Doc. 133) and for a default judgment against the Office of the Governor of Ohio (Doc. 132) are **DENIED.**

Finally t Ms. Gibbons moves for a second extension of the time in which to serve process on James Mannos and alleges that Mr. Mannos is evading service at his office (Doc. 136). However. Ms. Gibbons provides no information concerning other attempts to complete service (for example, at Mr. Mannos' "dwelling house or usual place of abode"). See Fed. R. Civ. P. *4(e)*. In short, Ms. Gibbons demonstrates no good cause for another extension. See Fed. R. Civ. P. 4(m). Accordingly, the motion for a second extension of the time

for serving **Mr.** Mannos (Doc. 136) is **DENIED** and Mr. Mannos is **DISMISSED WITHOUT PREJUDICE** as a party to this action. The Clerk is directed to terminate Mr. Mannos as a party to this action.

ORDERED in Tampa, Florida, on December 22nd, 2003.

S/_____

STEVEN D. MERRYDAY

UNITED STATES DISTRICT JUDGE

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS,

Plaintiff pro Se, CASE NO. 8:0J-cv-1961-T-2J-TB

Jury Demand

v.

STATE.OF FLORIDA et al.,

Defendants.

PLAINTIFF'S SECOND MOTION FOR EXTENSION OF TIME OF THIRTY (3) DAYS TO SECURE PROCESS ON THE DEFENDANT JAMES MANNOS, PERSUANT LOCAL RULE 3.01(g).

COMES NOW THE PLAINTIFF asking the Court for an additional thirty (30) days again in Plaintiff's second motion for extension of time; due to the fact that Indiv. Defendant James Mannos is currently eluding service; in the attempts to further bar Plaintiff's right to due process found in the

Fifth Amendment of the U.S. Constitution.

Therefore, the prior attempts done by the authorized process server, Roger Clemons, assumes that additional time is needed to effect service of summons in the case of the Attorney James Mannos. Roger Clemons, sworn process server in Stark County; does know said Defendant Mannos from service in other proceedings; thus said process server, Roger Clemons; is aware that the Defendant is intentionally making himself unavailable at his office and at home; therefore causing the Plaintiff's need to file Plaintiff's Second Motion for an extension of time of Thirty (30) Days to Secure Process on the Defendant James Mannos, persuant Rule, 3.0l(g). Consequently, it is in the best interest of justice for the Plaintiff to be granted the additional time of thirty (30) days needed; in regards to the said Defendant James Mannos". on-going intentional evasion service process.

Respectfully Submitted,

Sophia J. Gibbons

P.O. Box 1605

Oneco, FL 34264

(941) 447-1457

PLAINTIFF'S CERTIFICATE OF SERVICE, COMPLIANT TO LOCAL RULES, RULE 3.01(g).

The Plaintiff does hereby certify that a true copy of the foregoing has beenmailed to the parties of record; ,Plaintiff having notified said parties of record in regards to Plaimtiff's second motion for extension; no party responses given to dated to wit, dated this the 16th day of December, 2003

S/_____

UNITED STATED DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS,

Plaintiff,

CASE NO. 8:03-cv-1961-T -23TBM

v.

STATE OF FLORIDA et al.,

Defendants,

_____/

AMENDED ANSWER

COMES NOW, the Defendants, the Attorney General, the Sarasota, Florida and Oklahoma City, Oklahoma offices of the Federal Bureau of Investigation, through the undersigned Assistant United States Attorney, and submit this Answer and Affirmative Defenses in response to the Plaintiff's Complaint.

I. INTRODUCTION

1. Defendants lack knowledge to neither affirm or deny.

2. Defendants lack knowledge to neither affirm or deny.

3. Defendants lack knowledge to neither affirm or deny.

4. Defendants lack knowledge to neither affirm or deny.

II. JURISDICTION AND VENUE

1. Defendants lack knowledge to neither affirm or deny.

2. Defendants lack knowledge to neither affirm or deny.

III. PARTIES

Defendants lack knowledge to; neither affirm or deny.

IV. NATURE OF THE CASE

Defendants lack knowledge to neither affirm or deny.

V. ALLEGATIONS COMMON TO ALL COUNTS

1. Denied.

2. Denied.

3. Denied.

4. Denied.

5. Denied.

6. Denied.

VI. FIRST CAUSE OF ACTION

Denied.

SECOND CAUSE OF ACTION

1. Denied.

2. Denied

3. Denied.

THIRD CAUSE OF ACTION

1. Denied.

2. Denied.

3. Denied.

4. Denied

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The defendants assert that this Complaint was filed outside the statute of limitations and should be dismissed as time barred.

SECOND AFFIRMATIVE DEFENSE

The defendants further assert as an affirmative defense that the United States has not waived sovereign immunity in this case and for this reason, the plaintiff is barred from moving forward.

THIRD AFFIRMATIVE DEFENSE

The defendants further assert as an affirmative defense that this Complaint should be dismissed on the grounds of qualified immunity and the failure to state a claim upon which relief can be granted under the Federal Rules of Procedure 12(b)(6).

FOURTH AFFIRMATIVE DEFENSE

The defendants further assert that even if the Plaintiff's allegations are accepted as true, the mere failure 10 investigate without more, does not establish a colorable constitutional claim.

Respectfully submitted,

PAUL I. PEREZ

United Sates Attorney

S/_____

KENNETH E. LAWSON

Assistant United States Attorney

USA No: USA012

400 Tampa Street, Suite 3200

Tampa, Florida 33602

Telephone (813) 274-6316

FAX: (813) 274-6198

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS,

Plaintiff,

v. CASE NO. 8:03-cv-1961-T-23TBM

STATE OF FLORIDA et al.,

Defendants.

_____/

ORDER

The plaintiff's motions for default judgment against Judge Robert Mylett (Doc. 84), Assistant District Attorney John Zimmerman (Doc. 100), District Attorney Victor Johnson III (Doc. 102). and the Governor of Tennessee (Doc. 121) are DENIED WITHOUT PREJUDICE to the plaintiff's re-assertion of the motions after resolution of the pending motions to dismiss. The plaintiffs motions for default judgment

against the Sarasota FBI Office (Doc. 85), the Oklahoma City FBI Office (Doc. 86), and the United States Attorney General's Office (Doc. 104) are DENIED. ~ Fed. R. Civ. P. 55(e) ("No judgment by default shall be entered against the United States or an officer or agency thereof unless the claimant establishes a claim or right to relief by evidence satisfactory to the court."). In addition, because the following defendants have responded to the complaint, the plaintiff's motions for default judgment against the Governor of West Virginia (Doc. 87), former captain Richard Briggance (Doc. 98), the Governor of Ohio. (Doc. 101), and Judge Robert Lavery (Doc. 122) are DENIED.

Because the plaintiff filed with the Clerk notice of service of process on Thomas Tangi (Doc. 80). the plaintiffs motion for an extension of the time in which to serve

Tangi (Doc. 79) is DENIED AS MOOT. The plaintiffs motions for an extension of the time in which to serve process on James Mannos (Doc. 81) and the Ohio Department of

Human Services (Doc. 82) are GRANTED. The plaintiff will serve process on Mannos and the Ohio Department of Human Services by December 18, 2003. Failure to complete service by the deadline will result in Mannos' and the Ohio Department of Human Services' dismissal from the action.

The plaintiff's motions to strike the answer of the Governor of West Virginia (Doc. 103) and to strike Briggance's motion to dismiss (Docs. 117 & 118) are DENIED. The Governor of Ohio's motion for leave to file a motion to dismiss (Doc. 107) is GRANTED. The Clerk is directed to file the motion to dismiss attached to the Governor of Ohio's motion for leave (Doc. 107) as of the date of this order.

The Governor of Ohio's motion for permission for Holly J. Hunt to appear pro hac vice (Doc. 108) and Briggance's motion for permission for Rita Roberts-Turner to appear pro hac vice (Doc. 113) are GRANTED. Until resolution of the pending motions to dismiss, Ms. Hunt and N1S. Roberis-Turner may appear without a written designation and con-

sent-to-act on the part of some member of the bar of this Court. See M. D. Fla. R.2.02{a).' Furthermore, the motion by the Florida Attorney General's Office to substitute attorney Charles A. Finkel with Douglas B. Mac Innes (Doc. 119) is **GRANTED.**

Finally, pursuant to 28 U.S.C. § 636 and Local Rule 6.01 (b), Thomas Tangi's motion for judgment on the pleadings (Doc. 11-2) and the following defendants' motions to dismiss are REFERRED to the United States Magistrate Judge to conduct proceedings, including evidentiary hearings, as the Magistrate Judge deems necessary to make a report and recommendation on the motions: Leslie Telford (Docs. 7 & 54); Clifford Klaus (Docs. 8 & 55); Donald Evans (Docs. 9 & 56); Sarasota County State Attorney Earl Moreland (Doc. 19); Sergeant Edmonds (Doc. 24); Judge Robert Hensley (Doc. 28); Manatee County Sheriff Wells (Doc. 45); FDLE Sarasota Office (Doc. 47); the Florida Department of HRS (Doc. 49); the Florida Attorney General's Office (Doc. 50);

Florida Governor Jeb Bush (Doc. 51); Sarasota County Sheriff Balkwill, former sheriff Geoffrey Monge, Major Kevin Gooding, and the Sarasota County Sheriffs Office (52); Raymond and Margaret Hazen (Doc. 57); the State of Florida (Doc. 66); the Manatee Sheriffs Department (Doc. 67); the Governor of Ohio (Doc. 107); Judge Lavery (Doc. 109); Thomas Tangi (Doc. 111-1); and former captain Briggance (Doc. 115). The report and recommendation shall include proposed findings of fact and conclusions of law.

ORDERED in Tampa, Florida, on December 17th, 2003.

S/_____

STEVEN D. MERRYDAY

UNITED STATES DISTRICT JUDGE

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1 Although not a resident of Florida, Judge Lavery's counsel, Linda L. Woeber, fails to request waiver of the designation and consent-to-act requirement of Local Rule 2.02(a). Nevertheless, pending resolution of the motions to dismiss,

Ms. Woeber may appear in this action without a designation and consent-to-act on the part of local counsel.

IN THE UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

SOPHIA J. GIBBONS.

Plaintiff pro set,

CASE NO. 8 :O3-cv-1961-T-2J-TBM

Jury Demand

v.

STATE OF FLORIDA, et al.,

DEFENDANTS.

PLAINTIFF'S NOTICE TO COURT REGARDING IN-QUIRY RE: LACK OF PAPERWORK FOR CASE MANAGEMENT.

COMES NOW THE PLAINTIFF WITH! A NOTICE OF INQUIRY, as Plaintiff has not been mailed the forms designating the afore- cited case, as Track Two (2). The Plaintiff did just receive the Docket with entry or Item #3, listed as

designation, but the pro se Plaintiff has had no written notification from Court of same. Plaintiff is now wondering;" when she will be mailed the designation and appropriate forms for the Plaintiff and the Defendants to properly fill out.

The only forms that the Plaintiff did receive from the Orlando Middle Court were for Disclosures/Interested Persons, etc. If Item 3 is in fact an error; then Plaintiff needs to know when this case is going to be designated Track 2 and when the parties can do the case management; tin order to prevent delays. Plaintiff is a pro se litigate and must have this item clarified to her by the Court; and if in fact there was any notice sent to the Plaintiff that never was received; then the Plaintiff needs same mailed to her again. Dater this the 9th day of December, 2003.

Respectfully Submitted,

S/_____

Sophia J Gibbons

P.O. Box 1605

Oneco, FL 34264

(941) 477-1457

cc: all parties of record.

October 13.2004

Here Comes The Judge

3293 Fruitville Rd. Suite 106

Sarasota, FL 34237

Re: Sophia Gjbbons v. State of Florida

To Whom It May Concern;

On November 14.200.3, I served a Summons in a Civil Case, Notice of Pendency of Other Actions and Introduction to the U. S. Attorney General's Office located in Nashville, Tennessee. The office for this Goverment entity is located at 110 9th Avenue South, Suite 961, Nashville, Tennessee 37203. At the time the service was made, the U. S. Attorney General Jim Vincs, was not available. Whereupon Darleen Blocker at the same office located accepted service of the documents. Darleen Blocker stated she was an authorized to accept such documents.

Should you need further assistance, please call.

Sincerely

S/_____

Roger Clemons

Private Investigator

TN Lic. #0952

UNITED STATES DISTRICT COURT

District of

Case Number: 6:03-CV-1004-0RL1-31

Plaintiff:

Sophia J. Gibbons. pro se vs.

Defendant

State of Florida. et al.

For: Sophia J. Gibbons

Received by HERE COMES THE JUDGE to be served on U.S. ATTORNEY GENERAL'S OFFICE. 425 5th Avenue N., Nashville, Tennessee 37243. I, Roger Clemons, being duly sworn, depose and say that on the. 14 day of November, 2003 at 12:05 p.m., executed service by delivering a true copy of the Summons in a Civil Case, Notice of Pendency of Other Actions and Introduction in accordance with state statutes in the manner marked below:

(X) PUBLIC AGENCY/GOVERNMENT AGENCY: By

serving Darleen Blocker as Authorized Person To Accept of the within named agency pursuant t to F.S. 48.111.

( ) CORPORATE SERVICE: By serving_____ as _____ pursuant to F.S. 48.081 and 48.091.

( )OTHER SERVICE: By serving _____ they were authorized to accept

( ) NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: Address on summons is not a good address. Located and served at 110 9th Ave South, Suite 961, Nashville TN.

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which service was made. Pursuant to Florida Statute 92.525. and under penalty of purjury. I declare that the facts se forth in the foregoing Affidavit of Service are true and correct.

Subscribed and sworn to before me on the 14th day

of Nov. 2003 by the affiant who is

personally known to me.

S/_____

NOTARY PUBLIC

My Commission expires MAY 28, 2006

S/_____

PROCESS SERVER #0952 TN PI LIC. #

Appointed in accordance

with State Statutes

HERE COMES THE JUDGE

2831 Ringling Blvd. Suite 12-F

Sarasota, FL 34237

(941) 954-0169

Our Job Serial Number: 2003010814

IN THE COMMON LEAS COURT

OF STARK COUNTY, OHIO

DIVISION OF DOMESTIC RELATIONS

In the Matter of

JOANNE ELAINE HAZEN

9020 Peterson, N.E.

North Canton, Ohio 44720 Case No. D.R. 77935

and

RAYMOND DENNIS HAZEN

227 Brookfield Apartment D

Louisville, Ohio 44641

PETITION FOR DISOLUTION

OF MARRIAGE

1. The parties have been residents of the State of Ohio for at least nix (6) months and residents of Stark County for at least ninety (90) days immediately preceding the filing of this Petition.

2. The parties were married at Monrce Michigan on the 19th

day of December, 1965, and there are five (5) children the issue of such marriage in the custody of the wife, whose names and ages are respectively:

Lisa Age 11

Joan Age 10

Dennis II Age 7

Marcella Age 5

Maryann Age 2

3. The parties hav signed a separation agreement providing for a division of all property, alimony, 'custody of the minor children of the parties, child support, and visitation rights, and the same is attached incorporated herein.

WHEREFORE, the parties petition the court for a decree of Dissolution of their marraige incorporating their separation agreement.

S/_____

JOANNE ELAINE HAZEN

S/_____

RAYMOIND DENNIS HAZEN

V.Lee Sinclair, Jr. of

AMERMAN, BURT & JONES CO., L.P.A

250 PEOPLES-MERCHANTS TRUST BLDG.

Canton, OH 44702 (216) 456-2491

Attorney for Joanne Elaine Hazen

The undersigned hereby walve the services of summons provided in Rule Four of the Ohio Rule of Civil Procedure, and hereby submit it to the jurisdiction of this court in the within cause.

SEPERATION AGREEMENT

THIS SEPERATION AGREEMENT made and entered into at Canton, Ohio, this 24th day of March, 1978 pursuant to Ohio Revised, Code 3103.05 and 3103.06 between JOANNE ELAINE HAZEN, hereinafter refered to individually as "Wife" and RAYMOND DENNIS HAZEN hereinafter refered to individually as "Husband," WITNesset

WHEREAS, JOANNE ELAINE HAZEN and RAYMOND DENNIS HAZEN are Wife and husband having bean married on December 19, 1965, and that five children have bean born as issue of this marriage, namely:

Lisa Age 11

Joan Age 10

Dennis II Age 7

Marcclla Age 5

Maryann Age 2

WHEREAS, having separated and intending to live separate apart from each other for life due to irreconcilable differ-

ences, said wife and husband desire to and by these present do forever and completely settle and determine.

a. the past, present and future support of the wife and the support and custody of the children,

b. the right to any and all property, real and personal, each may have by virtue of. Their marriage, and

c. all other benefits and privileges, conferred and all obligations imposed upon each party by virtue of their marriage relationship or otherwise,

NOW, THEREFORE, in consideration of the foregoing promises and mutual promises and undertakings hereinafter specified, said Wife and husband agree:

1. SEPARATION

That each shall hereafter continue to live separate and apart from the other and each shall go his or her own way without direction, control or molestation from the other, the same as though unmarried and each further agrees not to knowingly interfere with the other in any manner whatsoever.

2. CUSTODY

That the custody of the minor children of the parties as aforesaid shall be granted to the Wife together with reasonable visitation rights to the Husband.

3. SUPPORT

The husband shall pay through the Clerk of Courts, Stark County, Ohio, to the Wife the sum of Eighty Dollars ($80.00) per month per child plus poundage as and for support of the, minor children of the parties. Said payments shall begin May 1, 1978, and shall ,be payable in semi-monthly installments on the 1st and 15th day of each month until said children reach majority, are emancipated or die, whichever occurs first. The Husband shall also pay allot the ordinary and necessary medical, dental, hospital, prescriptive and optical expenses of said minor children.

Adam Walsh

Child Resource Center

Ms Sophia Gibbons March 19, 1991

P.O. Box 1605

Oneco, FL 34264

Dear Ms. Gibbons:

In Lynn. Day's absence, I have reviewed your case. How tragic to have your children gone for so long. I can't imagine the pain and suffering that this must cause you

As you wel! know {by the amount of your correspondence) this system is not set up to deal with this type of crime. Parental kidnappings are often the hardest to solve and continue to be the major amount of missing children's cases.

In my attempt to contact Lt. Knight, (retired) I discovered that the girls are not in NCIC. This is a criteria for our Center in order to work on ANY case. Also, if the child(ren) are not registered with the National Center for Missing and

Exploited Children in Washington D.C., we cannot work on it.

The best advice that we can give you is to keep on plugging away, keep up the vigil and with God's help maybe one day the nightmare will end.

Sincerely,

S/_____

Pamela Harris

Adam Walsh Center

PROPOSAL—THE GIBBONS RULE

At no time may a governmental agency withhold a vital case number, e.g., SAQ#, for the following reasons: rape, kidnapping, severe medical neglect of minors, terrorization of minors, RICO, fraud, perjury, armed assault, interference of child custody, attempted homicide, homicide, tampering, obstruction of justice, child endangerment, elderly endangerment, severe child neglect and abuse, interstate felon's flight; or the criminally neglectful officials shall stand charged with the same degree of felony, as said felon of any of the aforecited felonies, see Gibbons v. State of Florida, et al., Case 8:03-cv-1961-T-23TBM, Tampa Middle District Ct.

Devised by Sophia J. Gibbons, Plaintiff of aforecited case.

(2)

CASE NO. 05-747

SUPREME COURT OF THE UNITED STATES

MAR 13 2006

Sophia J. Gibbons, Petitioner,

v.

State of Florida, et al., Respondents.

PETITION FOR REHEARING

Sophia J. Gibbons, pro se
P.O. Box 1605
Oneco, Florida.
34264-1605
941-447-1457

Petitioner of the aforec'ted Case No. 05-747; does ask the Court to grant said Petitioner's Petition for rehearing; due to an enormous amount of extraordinary circumstances that are left unresolved and a breach of our nation's Homeland Security.

Petitioner has been severely maligned by the previous Courts, whose irrational thinking does promote terrorism. Citizens of the United States do deserve to have equal protection and that includes the Petitioner. No one has equal protection from the armed kidnappers cited herein or the murderers, whom are Defendants of this case at bar. Each and every Defendant is a national threat to our Homeland Security.. Therefore, the bigoted prior courts are not only maligning the Petitioner, but all of society.

No Court can honorably demand that a concurrent victim give up thier Fourth, Fifth and Fourteenth Amendment rights to the United States Constitution. Nor, can any court justly and fairly allow armed kidnappers and murderers to run free in our society without any prosecution by a competent court of law. If any court promotes terrorists; such court is a risk to our homeland Security...

Defendant, Donald C. Evans, has breached Homeland Security. For this reason, the courts cannot purposefully ignore fraudulent testimony found in the newly discovered classified materials, which the Petitioner timely filed in Middle District Court, as a permanent matter of record. Permanantly meaning: FOREVER..... Therefore, any court's officials while under color of law (abuse of thier powers); who intentionally decide to further bar justice in the unsolved case of #81-10871: CLEARLY stand liable for thier acts of treason when issues of breaches of our Homeland Security are involved.

It is time for the Court to consider the deceased victims of Defendants Raymond and Margaret Hazen, et al., thus able to refrain from more political agenda "at this time"

That particular comment came from Joe Spooner of the Defendant, Sarasota FBI Office: when Agent Spooner stated "we can't help you at this time! Since Spooner failed to interpret his deceptive lingo: the Petitioner must assume that the Defendant, Sarasota FBI would continue to conceal evidence of the "political cover-up" found in Case No. 81-10871. However, the FBI cannot conceal the evidence that it has become a breach to our national security and our Homeland Security. Thus, any court, which does not resolve the problems of Homeland Security breaches: the court becomes the problem.

Based on a variety of factors in Case No. 05-747: the remainder of the state actors constitute a breach in Homeland Security of the United States of America. For this reason, the Court must rely on the Bivens Act. The lower courts all had the duty to scrutinize the evidence, but opted to illegally deny the Petitioner a fair evidentiary hearing. That is a fundamental right of due process. Furthermore, the Petitioner states that she expects the Court to rehear this case and validly ponder the slew of Federal Questions that the Defendants and lower courts are presenting "at this time". This court has the authority to remedy the loopholes of Homeland Security breaches to ascertain justice for every act of terrorism found in Case No. 05-747.

It would behoove the Court to know that the Petitioner does not accept a tainted, fraudulent docket or hodge-podge of RICO that the lower courts have thrown at her, as another political ruse. Using the appearance of John Ashcroft after the the U.S. Attorney General's Office of Nashville, Tennessee had already legally defaulted has opened up a whole "new can of legal worms." Thus, this Court must weigh out the breaches of Homeland Security before it just tosses out prima facie evidence.

The Petitioner filed an Extraordinary Writ of Mandamus. Supreme Court of the United States lists Petitioner's Petition, as Writ of Mandamus not Extraordinary Writ of Mandamus. What's that another typo or does that constitute the U.S. Supreme Co-

urt's ruling of February 21, 2006, as void on it's face, as it reads in a different language, as that of the true writ filed by the Petitioner, a copy of which is attached herein. (regarding the Court answering the wrong type of writ.) In the event this IS ANOTHER docketing (current) error; the Court is in need of correcting it's error, which is hopefully not anothe "ambiguious twist" of the docket itself. Time will certainly tell if the Supreme Court allows it's own error to stand uncorrected.

The reason for the Petitioner filing an Extraordinary Writ in the first place is because the Petitioner has extraordinary circumstances in which justice has been illegally barred by the Defendants collectively for over two decades on-going. The Sarasota Sheriff's Deputy stated at the kidnappings scene that "money had to go under the table to do this, but don't quote me!" The U.S. SUPREME COURT should ask itself..money.. where..how much..how long....? Also, is it not a breach of Homeland Security for Defendant Evans to use the FBI Academy training to do armed kidnappings, coverups and God only knows what other treacherous acts on minor children? If the Courts do not care to rid society of it's hardened criminals then why have prisons? Again, the Court needs to ask the obvious questions about the Defendants, Hazens' perjured affidavits. Surely, the (Courts) took the time to read the killers' contradicting letter and/or evidence. Or did they?

Consequently, no court can illegally bar a persons rights to due process unless it is a "crooked court." No Court can obstruct justice by deleting the usage of the New Discovery Doctrine, R.1.540(b), Bivens Act, UCCJA, PKPA, etc., etc.., so as to unentertain a kidnapped victim.

When the Courts fail the victims by illegally barring justice the victim still has many legal recourses. Homeland Security should be top priority to the U.S. Supreme Court. The classified docs speak for themselves. The Jacksonville FBI is not void of knowledge and the Petitioner will be updating [illegible] Petition for Rehearing.

Based on the obvious extraordinary circumstances cited above; the Petitioner moves the Court to grant this Petition for Rehearing and to start asserting justice to the many victims of #81-10871. The Petitioner reinterates all previous argument by the Petitioner in her cause of 05-747 and does further state at this time that high treason is high treason.

Dated this the 7th day of March, 2006.

Virginia J. Nelms, pro se
P.O. Box 1605
Oneco, Florida
34264-1605
(941) 447-1457